

# EXHIBIT 3



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# Transcript of Joseph Wolf

**Date:** January 8, 2024

**Case:** Wolf, et al. -v- Dolgen New York, LLC

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----x  
JOSEPH WOLF, CARMEN WOLF, :  
ON BEHALF OF THEMSELVES AND :  
THOSE SIMILARLY SITUATED :  
Plaintiffs, : Case No.:  
v. : 7:23-cv-00558-P  
DOLGEN NEW YORK, LLC D/B/A :  
DOLGEN, :  
Defendant. :  
-----x

Deposition of JOSEPH WOLF  
Washington, D.C.  
Monday, January 8, 2024  
10:05 a.m.

Job No.: 520639  
Pages: 1 - 245  
Transcribed by: Molly Bugher

Transcript of Joseph Wolf  
Conducted on January 8, 2024

2

1 Deposition of JOSEPH WOLF, held at:

2 405 E 50th Street

3 New York, NY 10022

4 Phone: (212) 594-5300

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9 Pursuant to Notice, before Enrique

10 Casas, Notary Public in and for the State of New

11 York.

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS JOSEPH WOLF, et al.:

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ON BEHALF OF DEFENDANT DOLGEN:

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Richmond, VA 23219

Phone: 804.775.1000

ALSO PRESENT:

HAROLD RODRIGUEZ - PD Videographer

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1 P R O C E E D I N G S

2 VIDEOGRAPHER: Here begins media number  
3 one in the videotaped deposition of Joseph Wolf in  
4 the matter of Wolf et. al. vs. Dolgen New York,  
5 LLC in the United States District Court for the  
6 Southern District of New York, case number 723-CV-  
7 00558-PMH. Today's date is January 8, 2024. The  
8 time on the video monitor is 10:05 a.m. The  
9 videographer today is Harold Rodriguez  
10 representing Planet Depos.

11 This video deposition is taking place at  
12 405 E. 50th Street, New York, New York, 10022.  
13 Would counsel please voice identify themselves and  
14 state whom they represent?

15 MR. MERINO: Javier Merino of the Dann  
16 Law firm, counsel for the Plaintiffs and the  
17 putative class.

18 MR. BRYSON: Hunter Bryson on behalf of  
19 the Plaintiffs and the putative class.

20 MR. TAYLOR: Trent Taylor with McGuire  
21 Woods on behalf of Dolgen New York, LLC, doing  
22 business as Dollar General, the Defendant.

23 VIDEOGRAPHER: The Court Reporter today  
24 is Henrique Casas representing Planet Depos. Will  
25 the witness now be sworn in, please?



1 JOSEPH WOLF,  
2 a witness, having been duly sworn was  
3 examined and testified as follows:  
4 MR. TAYLOR: All right. Before we get  
5 started, I just want to put on the record that a  
6 protective order governs in this case the  
7 deposition transcripts and the exhibits and we  
8 will make the appropriate confidentiality  
9 designations if necessary at the appropriate time.  
10 EXAMINATION BY COUNSEL FOR DEFENDANT,  
11 DOLGEN  
12 BY MR. TAYLOR:  
13 Q: So first of all, good morning, Mr. Wolf.  
14 A: Good morning.  
15 Q: Before we get started to the substance  
16 of this deposition, let me ask you this first,  
17 have you ever been in a deposition before?  
18 A: No.  
19 Q: So let me go over a few guidelines that  
20 might make what we do here today a little bit  
21 easier on all of us. So I'm going to ask you  
22 questions and we are trying to get information, so  
23 if you can answer to the best of your ability that  
24 would be fantastic. The first sort of guideline  
25 is we need verbal answers rather than shaking of

1 heads or nods or that kind of thing. Is that  
2 okay?

3 A: Yes.

4 Q: The second thing is that we should try  
5 not to talk over each other because it makes it  
6 very difficult for our court reporter to take down  
7 two different people at the same time. So I'm  
8 going to try to make sure that you finish your  
9 answer before I ask another question. And if you  
10 could do the same, then I think that will make  
11 things easier for everyone. Is that okay?

12 A: Okay.

13 Q: And if I ask questions today that you  
14 don't understand, just let me know. You can ask  
15 me to rephrase where you can tell me that you  
16 don't understand the question and then I will do  
17 my best to rephrase it in a way so that it is  
18 something that you can understand. Is that okay?

19 A: Yes.

20 Q: And if you don't let me know that you  
21 don't understand something, then I'm going to  
22 assume that you do understand the question. Is  
23 that fair?

24 A: I guess so. I may understand it  
25 differently in a way that you are asking it. So

1 we may not have the same things in our heads even  
2 though I don't like, say I don't understand it.  
3 So I'm not actually sure if that's fair. But I  
4 will -- if I don't -- if I believe I don't  
5 understand the question I will always let you  
6 know, if that makes sense.

7 Q: Yeah. And if you're -- if you think  
8 there might be a different interpretation or  
9 somehow --

10 A: If I think there is, yeah.

11 Q: If you think that we are not on the same  
12 page, then just let me know, okay? Is that okay?

13 A: Sure.

14 Q: The fourth thing is if we need to take  
15 any -- I'm sure that we will be taking breaks  
16 today. Just let me know if you would like to take  
17 a break. There may be times when I say, oh, let's  
18 take a break or your counsel may say let's take a  
19 break. The only thing that I ask before we take a  
20 break is that you ask -- excuse me -- you answer  
21 the question that is pending before we take the  
22 break. Is that okay?

23 A: Yes.

24 Q: So let me ask you this. Is there any  
25 medical condition that you have that would prevent

1     you from answering my questions fully, truthfully,  
2     and accurately?

3           A:    No.

4           Q:    Are you currently on any medications  
5     that would affect your ability to completely and  
6     truthfully answer my questions today?

7           A:    No.

8           Q:    You understand that you're testifying  
9     under oath today?

10          A:    Yes.

11          Q:    And you understand that for all intents  
12     and purposes you are testifying to a jury and that  
13     the videotape of this proceeding may be shown to  
14     the jury?

15          A:    Yes.

16          Q:    So let's start if we could -- if you  
17     could tell me your full name.

18          A:    Joseph Allan Wolf.

19          Q:    And is that Allan with; A-L-L-E-N?

20          A:    A-L-L-A-N.

21          Q:    A-N; got it, okay. And what is your  
22     current address?

23          A:    My mailing address, home address is 3220  
24     92nd Street, apartment 211, East Elmhurst, New  
25     York 11369.

1 Q: Do you have any other -- is that where  
2 you primarily reside?

3 A: Yes.

4 Q: How long have you been at that address?

5 A: That address, I think since 2018.

6 Q: And does anyone live there with you?

7 A: Yes.

8 Q: And who is that?

9 A: My wife and children.

10 Q: And can you tell me your wife's name?

11 A: Carmen. Carmen Wolf, sorry.

12 Q: How many children do you have?

13 A: Two.

14 Q: And how old are they?

15 A: Seven and four.

16 Q: Well, okay. I have three children  
17 myself, so I know how that is. And what is your  
18 date of birth?

19 A: December 16, 1982.

20 Q: And I'm sorry, what are your children's  
21 names?

22 A: Penelope and Arabella.

23 Q: I believe you indicated that you're  
24 currently married. How long have you been  
25 married?

1           A:    A little over 10 years.

2           Q:    And do you have any prior marriages?

3           A:    No.

4           Q:    And you did say that your children live  
5 with you?

6           A:    Yes.

7           Q:    Does anyone else live with you at that  
8 East Elmstead --

9           A.    Elmhurst.

10          Q:    Elmhurst address other than you, your  
11 wife, and your two children?

12          A:    No.

13          Q:    And do you own any other properties?

14          A:    Yes.

15          Q:    And how many?

16          A:    One.

17          Q:    And can you tell me where that other  
18 property is?

19          A:    In Bethel, New York.

20          Q:    And what's the address of that?

21          A:    30 Berkshire Trail.  It's kind of weird.  
22 It doesn't actually have a ZIP Code.  It's that  
23 rural.  But the closest one, Smallwood, New York  
24 12778.

25          COURT REPORTER:  I'm sorry, what was

1       that?   New York?

2               THE WITNESS.   Smallwood, New York would  
3       be the closest postal code.

4               Q:    And who's the owner of the property?   Is  
5       that you and your wife?   Just you?

6               A:    I believe me.   Yeah, I think just me.

7               Q:    And how long have you owned that  
8       property?

9               A:    Since December, mid December 2020.

10              Q:    And how far a drive is that from your  
11       residence in East Elmhurst?

12              A:    About two hours.

13              Q:    And what is the route you typically take  
14       in driving to that residence for that property?

15              MR. MERINO:   Objection to form.   You can  
16       answer.

17              THE WITNESS:   Answer?

18              MR. MERINO:   Yes.

19              A:    To go from my apartment to there?

20              Q:    Yeah.

21              A:    I often follow what GPS kind of thinks  
22       is best.   I'm trying to think what we typically  
23       do.   I think typically, crossing the GW into New  
24       Jersey and then taking I guess a road from New  
25       Jersey up to Bethel if that makes sense.

1 Q: And you know what that road is that goes  
2 there? Is it like a highway?

3 A: Usually a highway, yeah.

4 Q: Do you know which one it is by any  
5 chance?

6 A: I'm really bad with directions.

7 Q: Yeah, me too.

8 A: I'm -- GPS, yeah.

9 Q: That's fine. And what is that  
10 particular property in Bethel or Smallwood, the 30  
11 Berkshire Trail, is that what is called?

12 A: Yes.

13 Q: And what is sort of the purpose of that  
14 particular property?

15 MR. MERINO: Objection to form. You can  
16 answer.

17 A: It's what you might call a vacation  
18 home.

19 Q: And is it near a lake or forest or  
20 anything like that?

21 A: There is a lake and there are forests,  
22 woods I would call them, yeah.

23 Q: And what lake is near there?

24 A: The closest large lake I guess, White  
25 Lake.



1 Q: And how often do you go to the 30  
2 Berkshire Trail property?

3 A: How often? Are you looking for like in  
4 a -- I guess I don't understand the question.  
5 Yearly? Monthly? What? Can you rephrase that?

6 Q: Yeah, why don't we start with yearly?  
7 Like how many times a year would you go to the 30  
8 Brookshire Trail property?

9 A: Yeah. Maybe like 30, around 30 times a  
10 year. I don't know. 30 plus.

11 Q: And does it vary by season? Do you go a  
12 little bit more in the summer versus the winter?

13 A: That depends on the year.

14 Q: And when was the last time you were  
15 there?

16 A: Yesterday.

17 Q: And when you go to that property, does  
18 your family typically go with you?

19 A: Yes.

20 Q: So you were there this past weekend?

21 A: Yes.

22 Q: And was your family there with you?

23 A: Yes.

24 Q: And how many days were you there for?

25 A: One day.

1 Q: Just Sunday?

2 A: Arrived Sunday evening -- or I'm sorry,  
3 Saturday evening, left Sunday evening.

4 Q: And is there a Dollar General store in  
5 the vicinity of the 30 Berkshire Trail property?

6 A: Yes.

7 Q: And how far away would you say it is  
8 from -- how far away is the Dollar General from  
9 the 30 Berkshire Trail property?

10 A: Hard for me to quantify miles. Driving  
11 a car, two minutes.

12 Q: When you were there this weekend at 30  
13 Berkshire Trail property, did you happen to visit  
14 the Dollar General?

15 A: So I shopped there frequently. So  
16 actually I'm not sure. It's possible. I don't  
17 want to say definitively just because I'm such a  
18 frequent shopper there. Yeah.

19 Q: So you don't recall whether you shopped  
20 there yesterday?

21 A: I may have ran out for something in the  
22 morning. But maybe I was confusing it with many  
23 times that I've been there. I can think of it,  
24 but I can kind of think of maybe what -- yeah,  
25 sorry. Yeah, I really don't want to be confusing

1 of it. So I'm not sure. I could check my credit  
2 card statements or something. But yeah.

3 Q: So I just want to make sure I'm clear  
4 here. Is it your testimony that you do not recall  
5 whether you shopped at a Dollar General yesterday?

6 A: So I often run in just quickly for  
7 single items. Right now I don't recall. Do you  
8 want to give me a minute? Can I think?

9 Q: Yeah, think.

10 A: Try to think, okay. Yeah, I don't want  
11 to say something that I'm not certain of. So I'm  
12 not certain is my testimony.

13 Q: Mr. Wolf, do you have any conditions  
14 that affect your memory?

15 A: No.

16 Q: Are you on any medications that affect  
17 your memory?

18 A: No.

19 Q: And it's still your testimony that you  
20 do not recall whether you shopped at a Dollar  
21 General just yesterday? And that's your testimony  
22 to the gentlemen and ladies of the jury via  
23 videotape?

24 A: Yeah. Right now, not certain if I went  
25 yesterday. I did a lot yesterday. Built a

1 snowman with my children, a lot of things  
2 yesterday. So I frequently shop at Dollar  
3 General. So I don't want to confuse different  
4 instances or whatever. So yeah, I'm not sure if I  
5 went in there for a minute yesterday and picked up  
6 something or not. Honestly, I'm sorry.

7 Q: What did you have for breakfast  
8 yesterday?

9 A: My wife made me an omelet. An omelet,  
10 yeah.

11 Q: Did you have lunch yesterday?

12 A: I don't think I did.

13 Q: You mentioned you did a lot yesterday  
14 and you mentioned building a snowman. What else  
15 did you do yesterday?

16 A: Sled. I sledded, went down a hill with  
17 my children on a sled in the snow.

18 Q: How much snow do they get up there?

19 A: It was a good amount of snow.

20 Q: Do you know how many inches?

21 A: I can't -- I don't know exactly about  
22 the inches, but it was a good amount of snow.

23 Q: Enough to sled and build a snowman, I  
24 guess?

25 A: Yeah. Yeah.

1 Q: Do you recall anything else you did  
2 yesterday?

3 A: Yeah, we drove home in the evening back  
4 to our apartment.

5 Q: Did you stop anywhere along the way once  
6 you started the drive home?

7 A: No.

8 Q: And what time did you leave to drive  
9 home?

10 A: Maybe 7:00 p.m.

11 Q: All right. I want to go back to -- let  
12 me ask you this. Do you hold any elected  
13 positions?

14 A: No.

15 Q: All right. Do you have any membership  
16 in any clubs, churches, or organizations?

17 A: No.

18 Q: Are there any volunteer activities that  
19 you engage in on a regular basis?

20 MR. MERINO: Objection to form. You can  
21 answer.

22 A: No.

23 Q: And do you have any hobbies?

24 A: Yes.

25 Q: Can you tell me what some of those are?

1 A: Reading history books.

2 Q: If you have any good recommendations, by  
3 all means let me know. Any other hobbies?

4 A: No.

5 Q: Let me ask about any relatives living  
6 nearby. Do you have any relatives that live  
7 nearby?

8 MR. MERINO: Objection to form. You can  
9 answer.

10 A: Nearby? Sort of clarify. Nearby where?

11 Q: Near your work or in New Jersey.

12 A: And what does nearby mean?

13 Q: In the states of New York or New Jersey.

14 A: In the entire state of New York or New  
15 Jersey, yes.

16 Q: And can you tell me who some of them  
17 are?

18 A: My wife lives with me.

19 Q: We already talked about your wife and  
20 children, but sort of other than that.

21 A: Yeah. A brother in New Jersey.

22 Q: Let me ask you, what is his name?

23 A: Daniel Wolf.

24 Q: And what does he do for a living?

25 A: He is -- I don't know the exact title,

1 but he -- sort of almost like a guidance counselor  
2 at a high school.

3 Q: At a high school you said?

4 A: Sorry, middle school.

5 Q: Middle school?

6 A: Yeah.

7 Q: What about any other relatives who live  
8 in the states of New York or New Jersey?

9 A: Yeah, my mother and father.

10 Q: And where do they live?

11 A: In New Jersey. Sorry, New York,  
12 Brunswick, New Jersey.

13 Q: And your father's name is Andrew?

14 A: Yes.

15 Q: And he is a lawyer; is that correct?

16 A: Yes.

17 Q: And what is your mother's name?

18 A: Laura.

19 Q: Laura, okay. And does she have an  
20 occupation?

21 A: No.

22 Q: Has she ever had an occupation to your  
23 knowledge?

24 A: Yes.

25 Q: And what was that?

1           A:    Something in the mortgage industry,  
2    yeah.

3           Q:    What about any other relatives who live  
4    in the states of New York or New Jersey?

5           A:    I guess when you're saying relative,  
6    how -- what does that mean? Like how far are we  
7    trying to branch?

8           Q:    Sure. So I guess what I'm talking about  
9    our -- you've already talk about your mother and  
10   father. Any other siblings? Let's start with  
11   that. Any of your siblings that live in the  
12   states of New York or New Jersey?

13          A:    No.

14          Q:    What about -- well, let's stop there. I  
15   can ask your wife those questions tomorrow about  
16   her family. I think what I would like to do now  
17   is mark some exhibits. So bear with me just one  
18   second.

19               MR. TAYLOR: Can I get some more water?

20               UNIDENTIFIED SPEAKER: I'll get more  
21   water.

22               MR. TAYLOR: All right, thank you.

23          Q:    All right. I'm handed you what's been  
24   marked as Wolf 1. Mr. Wolf, have you ever seen  
25   this document before?



1 (Exhibit 1 was marked for  
2 identification.)

3 A: Yes. Yes, yeah.

4 Q: And what's your understanding of what  
5 the document is?

6 A: This is a notice of deposition.

7 Q: That's fine. You can set that aside.  
8 All right. I'm now handing you what has been  
9 marked as Wolf 2. Do you recognize that document?

10 (Exhibit 2 was marked for  
11 identification.)

12 A: Yes.

13 Q: Okay, and what is it?

14 A: This is my resume.

15 Q: And did you put this together yourself?

16 A: Yes.

17 Q: And how up-to-date is it? Or is it up-  
18 to-date?

19 A: Yeah, it's up-to-date.

20 Q: I just wanted to go through a couple of  
21 things here. So it says that you work at the  
22 Brooklyn Latin School. Is that correct?

23 A: Yes.

24 Q: And it says that your honor is classical  
25 and IB 20th-century history teacher and advisor;

1 is that correct?

2 A: Yes. No longer -- so the advisor there,  
3 now that I'm looking at that, that kind of speaks  
4 to a program we don't offer anymore, but yeah.

5 Q: And you have worked continuously in that  
6 job since September 2009?

7 A: Yes.

8 Q: And is that a public school? Private  
9 school?

10 A: Public school.

11 Q: And how far is that from your apartment  
12 in East Elmhurst?

13 A: Can you qualify what you mean by how  
14 far? Like how far mileage?

15 Q: How far is your commute? How far is  
16 your commute?

17 A: How many miles?

18 Q: I mean in terms of time.

19 A: Time, okay. Typically 30 minutes  
20 driving.

21 Q: And do you typically drive to work?

22 A: Yes.

23 Q: Have you -- Mr. Wolf, have you ever  
24 worked in retail before?

25 A: No.

1           Q:    I believe you testified earlier that  
2           you've never had your deposition taken.  You can  
3           set that aside.  Is that correct?

4           A:    Yes.

5           Q:    Have you ever testified at any kind of  
6           court hearing or trial in the past?

7           A:    No.

8           Q:    Have you ever filed a worker's  
9           compensation claim?

10          A:    No.

11          Q:    Have you ever filed a Social Security  
12          disability claim?

13          A:    No.

14          Q:    Have you ever been convicted of a  
15          felony?

16          A:    No.

17          Q:    Have you ever filed for bankruptcy  
18          petition in the last five years?

19          A:    No.

20          Q:    Have you spoken with the media at all  
21          about this case?

22          A:    No.

23          Q:    Have you been contacted by the media at  
24          all about this case?

25          A:    No.

1 Q: All right. What did you do to prepare  
2 for this deposition?

3 A: I reviewed documents and met with my  
4 lawyers.

5 Q: All right. And when did you meet with  
6 your lawyers?

7 A: This morning, last week, and I believe  
8 the week before.

9 Q: This morning you said you met with your  
10 lawyers. Who in particular did you meet with?

11 A: Javier and Hunter.

12 Q: And how long did you meet with them for  
13 approximately?

14 A: This morning specifically?

15 Q: Yeah.

16 A: Twenty minutes.

17 Q: What time did you get here this morning?

18 A: 9:30.

19 Q: Was there anyone else present this  
20 morning when you were meeting with Mr. Marino and  
21 Mr. Bryson?

22 A: No.

23 Q: I believe you said that you also met  
24 with your lawyers last week; is that correct?

25 A: Yes.

1 Q: And how long did you meet with your  
2 lawyers last week approximately?

3 A: Approximately an hour.

4 Q: And did you meet with them in person or  
5 via Zoom?

6 A: Not via Zoom, but virtual, virtually,  
7 yeah.

8 Q: And who in particular did you meet with  
9 last week for an hour?

10 A: Hunter and Javier.

11 Q: Anyone else present on the virtual  
12 session with them other than you and those two?

13 A: Yes.

14 Q: And who was that?

15 A: My wife.

16 Q: Anyone else present other than you and  
17 your wife and Mr. Marino and Mr. Bryson during  
18 that virtual session?

19 A: No.

20 Q: And when you were meeting with them,  
21 were you and Carmen on the same computer? Or  
22 excuse me, Ms. Wolf, on the same computer or  
23 separate computers?

24 A: We were on the same computer.

25 Q: And let's go to the week before that

1       which I believe you said you also met with your  
2       attorneys; is that right?

3             A:    Yes.

4             Q:    So two weeks ago.  How long did you meet  
5       with your attorneys on that occasion?

6             A:    An hour as well.

7             Q:    And was that also virtual?  Or was it in  
8       person?

9             A:    Virtual.

10            Q:    And who was present during that meeting?

11            A:    So me, Hunter, Javier.  I can't remember  
12       if my wife was present at that one or not.

13            Q:    Was there anyone else present on that  
14       occasion other than possibly your wife?

15            A:    No.

16            Q:    I believe you said you also reviewed  
17       documents with your attorneys; is that correct?

18            A:    Yes.

19            Q:    And was it on all three occasions or  
20       just some of them?

21            A:    I guess I don't recall specifically.

22            Q:    And how many -- do you know  
23       approximately how many documents you reviewed with  
24       your attorneys on those occasions?

25            A:    Just in those meetings?

1 Q: Yeah.

2 A: A few was all I can say.

3 Q: And do you recall what any of them were?

4 A: Can I just ask a question about that?

5 Q: Sure, go ahead.

6 A: This feels to me like it's diving into

7 what I spoke about with my lawyer.

8 Q: Yeah.

9 A: Am I allowed to --

10 Q: So let me jump in and say this. I'm

11 definitely not asking you about the conversations.

12 And that's why I sort of phrased the question why

13 did. I'm curious about what document you looked

14 at, not about what the conversations around those

15 documents were. And so yeah, before you get into

16 conversations with counsel, by all means you

17 should flag that and you should not just sort of

18 blurt it out. Because some of that's going to be

19 potentially privileged.

20 A: Yeah.

21 Q: So right now I'm just asking about the

22 documents that you recall looking at.

23 A: Just about documents?

24 Q: Yeah.

25 A: And you said documents we reviewed? Is

1 that the question?

2 Q: Yeah.

3 A: And by review, what do you mean by  
4 review?

5 Q: Looked at.

6 A: Like looked at --

7 Q: In any form.

8 A: So that's why I'm -- so we, I mean  
9 talked about documents. But I don't know that I  
10 looked at any. Yeah, I'm sorry.

11 Q: Well then if there were documents that  
12 were discussed, without getting into the content  
13 of what those documents were --

14 A: Yeah.

15 Q: You could identify what those documents  
16 were.

17 A: Yeah. I think one that was discussed  
18 was a document with photos, photographs taken from  
19 my phone.

20 Q: Any other documents that you recall?

21 A: Yeah, I mean we discussed the complaint.

22 Q: Any other ones that you can recall?

23 A: Specifically just from those preparation  
24 sessions?

25 Q: Those three preparation sessions, this



1 morning and the other two.

2 A: The class rights and responsibilities,  
3 class representative document.

4 Q: Is that from the retainer agreement?

5 A: I'm not sure the language it's from,  
6 yeah.

7 Q: Any other documents you can recall?

8 A: Not off the top of my head.

9 Q: All right. Mr. Wolf, let me ask you  
10 this. In your own words can you describe what  
11 this lawsuit is about?

12 A: Yes.

13 Q: Please do.

14 A: So Dollar General is overcharging  
15 customers like myself.

16 Q: All right. Anything else that you would  
17 add to that? Or is that your description what the  
18 suit is about?

19 A: That's the core of it, Dollar General  
20 overcharging customers like myself. I would like  
21 them to have accurate pricing and to provide  
22 proper relief to people like myself who have been  
23 overcharged.

24 Q: And what do you hope to gain out of this  
25 lawsuit if anything?

1 MR. MERINO: Objection to form. You can  
2 answer.

3 A: I really have to defer to my attorneys  
4 on that.

5 Q: Do you have any expectation of receiving  
6 any compensation from this lawsuit?

7 A: I've got to defer to my attorneys on  
8 that.

9 Q: You said that you hoped Dollar General  
10 would provide proper relief to people like  
11 yourself who have been overcharged, right?

12 A: I did say that.

13 Q: And what proper relief -- what do you  
14 think proper relief would be?

15 A: I would have to defer to my attorneys on  
16 that to figure that out.

17 Q: Do you have any opinion about what  
18 proper relief would be?

19 A: I've really got to defer to my attorneys  
20 on that one.

21 Q: Do you have an understanding of how  
22 much, meaning money, you could make from this  
23 lawsuit?

24 MR. MERINO: Objection to form. You can  
25 answer.

1           A:    Yeah, I mean, this sounds like the same  
2           question you've been asking. So I've got to defer  
3           to my attorneys on that.

4           Q:    Do you have any understanding of what  
5           the damages sought in this lawsuit are?

6           A:    Can you clarify what you mean by  
7           damages?

8           Q:    Yeah. Do you have any understanding of  
9           what this lawsuit is seeking from Dollar General?

10           MR. MERINO: Objection to form. You can  
11           answer.

12           A:    Yes.

13           Q:    And what is that?

14           A:    Fair compensation to people who have  
15           been overcharged and hopefully helping to make  
16           sure that Dollar General has accurate pricing to  
17           customers that shop there, Dollar General  
18           specifically in New York State, yeah.

19           Q:    Anything else that you are aware of that  
20           you are seeking in this lawsuit?

21           A:    No.

22           Q:    Do you want to shut down Dollar General  
23           stores in New York?

24           A:    I've got to defer to my attorneys on  
25           that.

1           Q:   Well, do you have an opinion on whether  
2           or not you want to shut down Dollar General stores  
3           in New York?

4                   MR. MERINO:  Objection to form.  You can  
5           answer.

6           A:   Yeah.  Again, I would have to defer to  
7           my attorneys on that.

8           Q:   Let me ask you this.  Why are you  
9           deferring to your attorney about whether you have  
10          an opinion about whether you want to shut down  
11          Dollar General stores in New York?

12          A:   Because I feel like this is something I  
13          need to discuss with my attorneys.

14          Q:   And I'm not asking -- I'm just asking  
15          whether you have an opinion sitting here today as  
16          to whether you have a desire to shut down Dollar  
17          General stores in New York.

18                   MR. MERINO:  Objection, asked and  
19          answered.  You can answer.

20          A:   Can you repeat the question?

21          Q:   Sure.  I'm asking whether sitting here  
22          right now without any discussions with counsel,  
23          whether you have an opinion about whether you, as  
24          a result of this lawsuit, would like to shut down  
25          Dollar General stores in New York.

1 MR. MERINO: Objection, asked and  
2 answered. You can answer.

3 A: Again, it -- forgive me if I'm not  
4 understanding the question, but it sounds like  
5 just another version of the same question you  
6 already asked. So to be able to answer that, I  
7 would need to talk to my attorneys first.

8 Q: And just -- I'm not --

9 A: I know you are trying to splice hairs  
10 here, but I don't see the difference. So I'm not  
11 being intentionally obtuse.

12 Q: Yeah. And all I'm trying to do is -- I  
13 just -- whatever it is, it is. I'm just trying to  
14 understand it. So is it your testimony that you  
15 have no opinion sitting here right now about  
16 whether Dollar General stores in New York should  
17 be shut down?

18 MR. MERINO: Objection to form. You can  
19 answer.

20 A: It's my testimony that I need to talk to  
21 my lawyers to be able to answer that question.

22 Q: So here's what I'm trying to get at.  
23 It's one thing you are saying you don't have an  
24 opinion. It's another if you're saying you have  
25 an opinion but you don't want to give it. And so

1 if your testimony is that you don't have an  
2 opinion because you need to talk to your  
3 attorneys, okay. But I'm just -- so my question  
4 is, do you have an opinion sitting here right now  
5 about that particular issue?

6 MR. MERINO: Objection, asked and  
7 answered again. You can answer.

8 A: Do I have an opinion? This is -- again,  
9 this is something I need to talk to my lawyers  
10 about. Yeah.

11 Q: I'm really going to have to insist on an  
12 answer one way or another. Do you have an opinion  
13 one way or the other sitting here without talking  
14 to your attorneys?

15 A: Can I say that I don't know? I -- yeah.

16 Q: So it's your testimony you don't know  
17 whether you have an opinion?

18 MR. MERINO: Objection.

19 A: Yeah. So opinion sounds like a set  
20 thing. So I don't -- yeah, I don't.

21 Q: Let me ask it a different way then. Do  
22 you have any thoughts of any type or variety  
23 without talking to your lawyers about whether  
24 Dollar General stores in New York should be shut  
25 down?

1 MR. MERINO: Objection, asked and  
2 answered. You can answer.

3 A: I don't have any thoughts right now, no.

4 Q: Mr. Wolf, do you want to punish Dollar  
5 General as a result of this lawsuit?

6 MR. MERINO: Objection to form. You can  
7 answer.

8 A: Yeah, can you define punish?

9 Q: I mean, are -- let me put it another  
10 way. Are you angry at Dollar General as a result  
11 of the incidences of where you were overcharged?

12 A: I'm not happy that they overcharged me.

13 Q: And as a result of not being happy,  
14 would you like to see Dollar General punished in  
15 some form or fashion as a result of you been  
16 overcharged?

17 MR. MERINO: Objection to form.  
18 Objection, asked and answered. You can answer.

19 A: I've got to defer to my attorneys on the  
20 answer to that.

21 Q: And once again, I guess I'm trying to  
22 understand why it is that you feel like you need  
23 to defer to your attorney about whether you want  
24 to see Dollar General punished as opposed to how  
25 they should be punished. I'm asking whether you

1 want Dollar General punished.

2 A: So to clarify, you're asking whether I  
3 think there should be -- look, I want fair  
4 compensation for all the people that Dollar  
5 General overcharged and I want them have accurate  
6 pricing. It's my -- and can you -- yeah, I'm  
7 having trouble with that word punish. Can you  
8 explain again what you mean by that?

9 Q: Well, you filed a lawsuit suing Dollar  
10 General.

11 A: Yeah, course.

12 Q: And I'm assuming -- well, there was a  
13 reason for that. You want Dollar General to  
14 suffer some kind of consequences as a result of  
15 the overcharging experiences that you had?

16 MR. MERINO: Objection to form. You can  
17 answer.

18 A: Yeah. Yeah, I've stated what I want out  
19 of the lawsuit, right?

20 Q: So you do want Dollar General to suffer  
21 some consequences as a result of the overcharging  
22 experiences?

23 MR. MERINO: Objection, mischaracterizes  
24 testimony. Objection, asked and answered. I  
25 think Mr. Wolf has made it pretty clear what he is



1 seeking through the lawsuit here.

2 MR. TAYLOR: Well, and I understand that  
3 Javier, but I don't feel like I've got an answer  
4 to my question. So I'm going to ask it again.

5 A: So to clarify, you want me to label what  
6 I've already said as, what I'm saying as a  
7 consequence question is that what you want?

8 Q: No, it's not what I want. I'm just  
9 trying to understand exactly what -- yeah, go  
10 ahead.

11 A: In my opinion, you could or could not  
12 label those as consequences. Yeah, I don't -- I  
13 think these are consequences. If Dollar General  
14 fairly compensates all the people that they've  
15 been overcharging, that would be a consequence,  
16 cause and effect of what they've done. But I  
17 don't know if some of the language that's being  
18 used here -- I don't want to be mischaracterized.  
19 But yeah, anyway. I would say if Dollar General  
20 compensates all the people they've been  
21 overcharging, I would say those are consequences  
22 of Dollar General about his actions.

23 Q: And let me ask you this. I believe you  
24 said earlier that you hope that -- to make Dollar  
25 General have accurate pricing in New York stores;

1 is that right?

2 A: I would like them to have accurate  
3 pricing, yeah.

4 Q: And do you have any kind of thoughts  
5 about how or what Dollar General could do to  
6 accomplish that?

7 MR. MERINO: Objection to form. You can  
8 answer.

9 A: So this sounds like it's asking me to  
10 weigh in on what I want, like specific results for  
11 some kind of specific -- and so in general I want  
12 accurate pricing. I would have to defer to my  
13 attorneys on how they believe that could be  
14 accomplished.

15 Q: And I guess really my only question  
16 there is whether you have any particular thoughts  
17 about how that would be accomplished. And if you  
18 don't that's fine. I just wanted to see if you  
19 have any particular thoughts or ideas about how  
20 Dollar General could accomplish that sitting here  
21 right now.

22 A: Yeah, I would have to defer to my  
23 attorneys on that.

24 Q: Well, once again, let me -- we are  
25 seeking clarity here.

1           A:    Yeah.

2           Q:    So I'm going to ask you, do you  
3           currently have any thoughts or ideas about that  
4           particular issue without speaking to your  
5           attorneys?  If the answer is no, that's fine.

6                   MR. MERINO:  Objection to form.  You can  
7           answer.

8           A:    Can you repeat the question again?  I'm  
9           sorry.

10          Q:    Sure.  I believe you previously said you  
11          hope to make Dollar General have accurate pricing  
12          in New York stores.  In my question is, do you  
13          have any --

14          A:    So I would like for them to have  
15          accurate pricing, yeah.

16          Q:    And so my question is, do you have any  
17          particular thoughts or ideas about how Dollar  
18          General could accomplish that sitting here right  
19          now without having to talk to your attorneys about  
20          it?

21                   MR. MERINO:  Objection to form.  You can  
22          answer.

23          A:    Yeah, by complying with the law.

24          Q:    Anything else?

25          A:    That's it, yeah.

1 Q: How did you -- Mr. Wolf, how did you  
2 become involved in this lawsuit?

3 A: I was overcharged by Dollar General.

4 Q: And specifically, when did your first  
5 overcharge occur?

6 A: So the first overcharge that I'm aware  
7 of was on September 4, 2022, I believe. I don't  
8 have the documents in front of me.

9 Q: All right. I'm handing you what has  
10 been marked as Wolf 3. Just one second. Have you  
11 seen this document before?

12 (Exhibit 3 was marked for  
13 identification.)

14 A: Yes.

15 Q: All right. And what is it?

16 A: I believe this is called --

17 COURT REPORTER: Watch the microphone.

18 THE WITNESS: Oh, sorry.

19 A: I believe this is called a complaint.

20 Q: And have you seen this document before?

21 A: Yes.

22 Q: Did you read it or review it before it  
23 was filed in court to your knowledge?

24 A: Yes.

25 Q: And let me turn your attention to

1 paragraph 14, which is -- I believe it's page 3.  
2 And you'll see that it says in September 2022,  
3 Joseph made two purchases at the White Lake Dollar  
4 General store. And then it has a chart below that  
5 which has two transactions, one on September 18  
6 and one on September 4. Is that accurate?

7 A: Yes.

8 Q: And is it your testimony that the first  
9 time that you were aware that you were overcharged  
10 was on September 4?

11 A: Yes. Yes.

12 Q: And that was the purchase of the 2  
13 percent lactose-free milk?

14 A: Yes.

15 Q: And before that transaction on September  
16 4, that transaction for the 2 percent lactose-free  
17 milk, had you spoken or communicated with an  
18 attorney about Dollar General in pricing?

19 A: No.

20 Q: And when was the first time that you  
21 consulted with an attorney about Dollar General  
22 and price discrepancies?

23 A: On or about that day, September 4.

24 Q: And so I understand that on or about,  
25 but I guess --

1 A: On or after, yeah.

2 Q: So I guess my question is this, do you  
3 recall specifically when you reached out to an  
4 attorney about Dollar General and price  
5 discrepancies, whether it was before or after this  
6 transaction on September 4?

7 A: After the transaction, yeah.

8 Q: And you are certain of that?

9 A: I'm sorry. Can you repeat the question?  
10 I just -- you're digging with are you certain and  
11 I want to make sure I answer accurately.

12 Q: Yeah. So I believe you just testify  
13 that the first time you reached out to an attorney  
14 about Dollar General and price discrepancies, the  
15 first time you contacted or communicated with an  
16 attorney about Dollar General and its price  
17 discrepancies was after the transaction that you  
18 made at the Dollar General store on September 4,  
19 2022 for 2 percent lactose-free milk; is that  
20 correct?

21 A: Yeah, the first time I spoke with anyone  
22 in any sort of legal capacity as an attorney was  
23 after that transaction.

24 Q: Do you recall how close in time it was  
25 to the transaction that you communicated with an

1 attorney?

2 A: Yeah, this was over a year ago. I  
3 remember it being fairly close in time. I can't  
4 tell you the exact date.

5 Q: Do you recall how you communicated with  
6 the attorney on -- about Dollar General and its  
7 price discrepancies for the first time?

8 A: A phone call.

9 Q: And do you recall what phone it was?  
10 Was it from your cell phone or from some other  
11 phone?

12 A: Cell phone.

13 Q: And who was the attorney that you spoke  
14 with?

15 A: Andrew Wolf.

16 Q: Who is your father?

17 A: Yes.

18 Q: Let me ask you this. Has Andrew Wolf,  
19 your father, ever represented you as a lawyer any  
20 other time in the past?

21 A: So no. I'm just trying to remember --  
22 the reason of the pause, like in my teens, I don't  
23 know, a speeding ticket or something, but nothing  
24 that I can recall right now.

25 Q: Then to your recollection he's never

1 represented you in an actual case before?

2 A: No. No.

3 Q: And on or about September 4, related to  
4 Dollar General, again, the price discrepancy  
5 issues that you encountered, did you reach out to  
6 Andrew Wolf first? Or did he reach out to you  
7 first?

8 A: You're asking if after I was overcharged  
9 if he reached out to me about my overcharge?

10 Q: Yes.

11 A: No, I reached out to him.

12 Q: Do you recall him ever reaching out to  
13 you about Dollar General and price discrepancy  
14 issues prior to when you reached out to him in any  
15 form or fashion --

16 A: Yeah.

17 Q: Whether they were specific to you or  
18 not?

19 A: Yeah, can you define reaching out?

20 Q: Yeah, communicate, contact.

21 A: Any communication?

22 Q: Yeah.

23 A: So prior to September 4 -- my wife and I  
24 are frequent shoppers at Dollar General. In sort  
25 of casual conversation I mentioned to my father



1 that I was going to pick up something at Dollar  
2 General. He mentioned just to be careful there,  
3 that they are known for overcharging customers.

4 Q: And when was that conversation?

5 A: I don't remember exactly. I would guess  
6 in the weeks before. I don't have a specific date  
7 in my memory.

8 Q: Do you recall anything else about that  
9 conversation with your father? For instance, did  
10 he mention that he was aware of legal actions or  
11 that there might be legal actions about -- against  
12 Dollar General for these -- for price  
13 discrepancies?

14 A: No.

15 Q: Did he indicate that he represented  
16 parties who might be filing suit?

17 A: No.

18 Q: And when you met with them, where did  
19 you -- I mean, that particular conversation, was  
20 that in person, or via phone, or similar, virtual?

21 A: Yeah, I believe in person.

22 Q: And do you recall where that was?

23 A: I believe at the 30 Berkshire Trail  
24 house.

25 Q: So that's --

1 MR. MERINO: Just when you're -- I could  
2 use a break whenever you are done with your line  
3 of questioning.

4 MR. TAYLOR: Yeah, okay. Let me just  
5 ask another couple of questions.

6 Q: So is this -- Mr. Andrew Wolf, does he  
7 sometimes visit the 30 Berkshire Trail property?

8 A: Yes.

9 Q: And what was your reaction to --

10 A: Oh, I'm sorry. Just to clarify -- yeah,  
11 no, sorry. Yes, go ahead.

12 Q: And I believe -- and so he, I believe he  
13 said in casual conversation, he said just to be  
14 careful about Dollar General, they've been known  
15 to overcharge on some items or something like  
16 that? Is that fair?

17 A: Yeah.

18 Q: And what was your reaction to that?

19 A: Thank you for letting me know.

20 Q: And did -- as a result of that, did you  
21 pay closer attention when you did shop at Dollar  
22 General?

23 A: Yeah, I mean generally speaking I trust  
24 the prices. I trust that stores are being  
25 accurate in their pricing. That made me worry a

1 little bit. So I decided to be a little bit more  
2 vigilant when I shopped in Dollar General, yeah.

3 Q: And let me just -- and so you said that  
4 in terms of timing you believe it might have been  
5 a few weeks before September 4, a September 4,  
6 2022 purchase at Dollar General?

7 A: I don't remember exactly, yeah.

8 Q: Could it have been six months before?

9 A: I don't think it was. No, definitely  
10 not. It was much closer than that, yeah.

11 Q: Do you recall the time of year? Was it  
12 like in the summer?

13 A: I mean, September 4 is still the summer.  
14 So yeah, I mean some time -- when the summer  
15 start? July 21, is that -- and sometime in the  
16 days or weeks before. Yeah, sometime -- yeah, it  
17 wasn't like the season before.

18 MR. TAYLOR: All right. Why don't we  
19 take a break here?

20 MR. MERINO: Okay.

21 COURT

22 (Off the record at 11:12 a.m., resuming  
23 at 11:22 a.m.)

24 BY MR. TAYLOR:

25 Q: All right Mr. Wolf, I wanted to go back

1 briefly to this conversation that we were talking  
2 about before the break that you had with your  
3 father, Andrew Wolf, in the weeks prior to the  
4 September 4, 2022 transaction at Dollar General.

5 A: Yes.

6 Q: On that occasion, was there any  
7 discussion at all, whether from you, from him, or  
8 anyone else in the room about a lawsuit?

9 A: No.

10 Q: Was there any discussion at all, whether  
11 from you or your father or anyone else in the room  
12 on that occasion about going to purchase items at  
13 Dollar General to determine whether there was an  
14 overcharge?

15 A: No. So just to maybe help us out with  
16 all the questions on the conversation, what I  
17 stated was everything that was said. So if you're  
18 asking where there other this or that, that's what  
19 was said. So, yeah, it was like that 32nd  
20 interaction or whatever.

21 Q: Got it. And have you ever shopped at a  
22 Dollar General with your father, Andrew Wolf?

23 A: To my recollection, no.

24 Q: And am I correct in saying Andrew Wolf  
25 is a lawyer with the Dann Law firm?

1 A: Yes.

2 Q: And he is a colleague of Mr. Merino?

3 A: Yes.

4 Q: All right. Between that -- so you  
5 mentioned the conversation you had with your  
6 father, Andrew Wolf in the weeks prior to  
7 September 4, 2022. I'm now interested as to  
8 whether or not there were any other communications  
9 with your father about Dollar General in any form  
10 or fashion whether from you or from him between  
11 that conversation we just talked about and the  
12 September 4, 2022 transaction you made at Dollar  
13 General.

14 A: Not that I can recall.

15 Q: And let me ask you this. I know it's a  
16 little bit different for everyone and their  
17 family. How often do you see your father, Andrew  
18 Wolf?

19 A: Generally maybe once a month.

20 Q: And do you typically travel to see him?  
21 Or does he travel to see you? Or it depends?

22 A: A little of both.

23 Q: Do you regularly communicate with him  
24 via some other method whether phone calls, emails,  
25 texts, instant messages?

1           A:    I guess can you define regularly?  It's  
2 going to make me look like a bad son.

3           Q:    No, I'm not trying to do that.

4           A:    No, no.  But yeah, define regularly,  
5 yeah.

6           Q:    Well, so I guess do you -- how often  
7 would you say that you communicate with your  
8 father, Andrew Wolf in any form or fashion?

9           A:    It really depends.  Sometimes I can go  
10 long stretches without talking to him and  
11 sometimes if there is something on my mind I will  
12 reach out.  So I don't know if there is any one  
13 answer to that.

14          Q:    When you do communicate with him, how do  
15 you -- what are some of the ways you communicate  
16 with him?

17          A:    Give him a call usually.

18          Q:    What about text messages or IMs?

19          A:    I have texted him, but more frequently  
20 that I would say that's rarer than just calling  
21 him and talking to him on the phone.

22          Q:    Is there sort of a regular time every  
23 week where you or your family give him or your  
24 mother a call?

25          A:    No.

1           Q:    What about email?  Do you email with him  
2   at all?

3           A:    Generally, no.  I'm sure in my 40 years  
4   there have been emails, but generally no.  I'm  
5   sorry, the only thing I would add, sometimes my  
6   kids and I will do like a FaceTime with grandma  
7   and grandpa some evenings, yeah.

8           Q:    Got it.  So I want to go back for a  
9   second to that conversation you had in the weeks  
10   prior to September 4, 2022 where you say Andrew  
11   Wolf told you to be careful about shopping at  
12   Dollar General.  Do you recall any communications  
13   with Andrew Wolf prior to that occasion where  
14   either he or you discussed Dollar General in any  
15   form or fashion?

16          A:    I don't recall any, no.

17          Q:    Did anyone tell you or suggest to you  
18   that you should make the transaction on September  
19   4, 2022 at the Dollar General store?

20               MR. MERINO:  Objection to form.  You can  
21   answer.

22          A:    No.

23          Q:    Did anyone else ever suggest to you that  
24   you should make purchases from Dollar General at  
25   any time?

1 MR. MERINO: Objection to form. You can  
2 answer.

3 A: So by suggest, can you just clarify? Is  
4 it I had -- like I had no idea that I wanted to  
5 make a purchase and then someone says it and now I  
6 want to make the purchase?

7 Q: Well, so let me ask --

8 A: Yeah. Sorry, I didn't mean to  
9 interrupt.

10 Q: Yeah, that's fine.

11 A: Sorry, yeah.

12 Q: Did you make any of the purchases at  
13 Dollar General where you allege you have been  
14 overcharged as a result of any conversation that  
15 you had with counsel or their staff?

16 A: No.

17 Q: All right. I want to understand the  
18 timeline a little bit. I believe you said that  
19 you communicated with Andrew Wolf at some point I  
20 think you said on or around September 4, which you  
21 said occurred after the overcharge on September 4;  
22 is that accurate?

23 A: Yeah.

24 Q: And I believe that you retained counsel  
25 for this lawsuit on September 20; is that correct?



1 A: I believe so, yeah.

2 Q: Why did you reach out to your father  
3 about -- or soon after the overcharge that you  
4 allege that you experience on September 4, 2022?

5 A: Yeah, generally speaking when I shop  
6 icing that stores are being honest and transparent  
7 with me and that their prices are accurate. When  
8 I realized that this wasn't the case with Dollar  
9 General it was horrifying. And I reached out.  
10 I'm sorry, can you -- I want to make sure I'm  
11 answering -- can you restate that question again?

12 Q: Yeah. I mean, my question is why did  
13 you reach out to your father after this incident  
14 on September 4?

15 A: Yeah, because I was overcharged.

16 Q: And did you have in your mind that you  
17 wanted to file a lawsuit at that time?

18 A: Before reaching out to him?

19 Q: Well, I mean, was that one of the things  
20 that you had in your mind you reached out to him?

21 A: I reached out to him to get some legal  
22 advice, yeah.

23 Q: And legal advice pertaining to what?

24 A: To the overcharges.

25 Q: And would part of that legal advice have

1       been considering filing a lawsuit?

2           A:    Again, I just -- I reached out to him to  
3       get legal advice.  You're asking me what advice  
4       did he give me --

5           Q:    I'm not asking that.  Absolutely not.

6           A:    So I'm sorry.  I'm not understanding  
7       your question.

8           Q:    You said that you reached out to him to  
9       seek legal advice.  And I'm asking, seek legal  
10      advice about what.

11           MR. MERINO:  Objection, asked and  
12      answered.  You can answer.

13           A:    Yeah.  About the overcharge.  About the  
14      fact that I had been overcharged by Dollar  
15      General, yeah.

16           Q:    And when you reached out to him, did you  
17      have in your mind that you might want to file a  
18      lawsuit at that time?

19           A:    This is over a year ago.  I can't tell  
20      you exactly like what was in my mind, but I wanted  
21      to get some legal advice for them is all I can  
22      say.

23           Q:    And when you did contact him I believe  
24      you said you thought it was a phone call.

25           A:    Yes.  Yes.

1 Q: How long did that conversation last?

2 A: I don't recall.

3 Q: After that conversation you had with  
4 him, when was the next time that you had a  
5 conversation with a lawyer or the staff of a  
6 lawyer?

7 A: Within the weeks afterward is all I can  
8 say. I know we -- the retainer agreement was like  
9 the 21st. So sometime between that period, 20th  
10 or 21st. Sometime between that period is all I  
11 can say for certain a year later.

12 Q: Prior to retaining a lawyer in this case  
13 did you do any research on your own about Dollar  
14 General and pricing issues?

15 A: No. I'm sorry. Actually I need to go  
16 back to that. What do you mean by research?

17 Q: I don't know. What do you -- I mean,  
18 have you done anything -- I mean, research how you  
19 would typically define it.

20 A: Okay. You said -- yeah.

21 Q: Did you do any looking on the Internet  
22 trying to find information about --

23 A: No. So my -- I'm a teacher so research  
24 can mean many things. So I documented my own  
25 experience. That was my research, but I didn't

1 look on the Internet at any -- as far as I can  
2 remember, any articles or anything about that.

3 Q: Between the time of the September 4,  
4 2022 transaction and the time that you retain a  
5 lawyer in this case, did you speak with anyone  
6 other than a lawyer about your experiences at  
7 Dollar General or try to obtain more information  
8 about Dollar General and pricing issues?

9 A: I spoke with my wife.

10 Q: Anyone other than your wife?

11 A: No.

12 Q: All right. Let's look at Exhibit 3, if  
13 you would. Let's start with paragraph 5 and just  
14 be careful of the microphone there.

15 A: Yeah.

16 Q: Before you get yelled at.

17 A: Actually, I'm already --

18 THE WITNESS: You said over -- under the  
19 wire?

20 COURT REPORTER: Under. Above the wire  
21 under your arm.

22 THE WITNESS: Oh, wire under my arm,  
23 okay.

24 COURT REPORTER: Yeah.

25 Q: I want to turn your attention to

1 paragraph 5, which is on page 2.

2 A: Yeah.

3 Q: And that's where it says you own a  
4 vacation home in Bethel, New York. And that's the  
5 30 Berkshire Trail property?

6 A: Bethel, New York, yes.

7 Q: And what's the name of the subdivision  
8 there?

9 A: Subdivision like area where my house is  
10 located?

11 Q: Yes, in the subdivision.

12 A: I'm sorry, can you define what a  
13 subdivision is? It just sounds -- I don't know.  
14 I'm not --

15 Q: Sometimes properties are located in  
16 subdivisions.

17 A: Like a planned community are you saying?

18 Q: Yeah, or something like that.

19 A: No. I mean, the area is called  
20 Smallwood. They have a civic association, but I  
21 don't -- yeah.

22 Q: Is there a country club nearby?

23 A: There is a small civic association that  
24 you can join.

25 Q: Are you a member?

1           A:    Yes.

2           Q:    What's the name of it?

3           A:    Smallwood Civic Association.

4           Q:    Sorry, say that again.

5           A:    The Smallwood Civic Association.

6           Q:    Smallwood Civic Association?

7           A:    Yeah.

8           Q:    Is there something called Mountain Lakes

9 Country Club nearby?

10          A:    Not sure.

11          Q:    Are you a member of a country club

12 there?

13          A:    No.

14          Q:    Are you a member of a country club at

15 all?

16          A:    I'm sorry, what is a country club? It

17 sounds --

18          Q:    You either know or you don't know. It's

19 an organization where people sometimes go for --

20 and we can look it up if you want.

21          A:    Okay.

22          Q:    Where there might be tennis or swimming

23 or golf.

24          A:    So the Civic Association, they have a

25 tennis court and they have a lodge. I've never

1 referred to it as a country club or called it --  
2 or heard it called a country club. But that's why  
3 I'm asking. I'm not trying to be intentionally  
4 obtuse.

5 Q: Yeah. So you said tennis court or  
6 something else.

7 A: It has a tennis court and you have the  
8 right to use the lake, I guess.

9 Q: Right to use the lake?

10 A: Yeah.

11 Q: Sorry, I just didn't hear what you said.

12 A: Yeah.

13 Q: Is there a swimming pool there as well?

14 A: No.

15 Q: And I'm assuming you pay some kind of  
16 fee.

17 A: Yeah.

18 Q: All right. So I want to move to  
19 paragraph 11. And that says that you regularly  
20 shop at the Dollar General located at 1334 New  
21 York, 17B, White Lake, New York; is that accurate?

22 A: Yeah, I believe that -- I don't have the  
23 address memorized, but I think that's one that we  
24 go to.

25 Q: And 17B, is that sort of the highway

1 that you drive on to get to the property there?

2 A: Yeah.

3 Q: And it says you regularly shop there.  
4 How often do you shop there?

5 A: I'd say probably every month on  
6 weekends. We are up there weekends.

7 Q: Would you say it's the closest retailer  
8 to the property at 30 Berkshire Trail?

9 A: Yes, there is a gas station next to it,  
10 but yeah, it's closest, what I would say like  
11 retailer.

12 Q: And would you shop at that Dollar  
13 General every time you visited the 30 Berkshire  
14 Trail property?

15 A: Not every time.

16 Q: Most times?

17 A: I would say frequently, yeah. I  
18 can't -- I'm having a hard time right now  
19 quantifying the majority of the times or not. But  
20 yeah, pretty frequently.

21 Q: And what types of things do you  
22 typically purchase there?

23 A: Usually like immediate necessities,  
24 groceries, things that my -- generally things that  
25 my kids need to eat breakfast or something like



1 that.

2 Q: Are there any other Dollar Generals that  
3 you shop at? Any other locations I should say.

4 A: As far as I can remember, no.

5 Q: All right. So I want to go to paragraph  
6 14, which I know we've already talked about a  
7 little bit. And it references to transactions  
8 that were made in September 2022, and the first  
9 one being on September 4, okay?

10 A: Yeah, all right.

11 Q: So the September 4 transaction,  
12 that's -- I think you said previously that's the  
13 first transaction where you noticed the  
14 discrepancies between the shelf price and what you  
15 were charged; is that accurate?

16 A: First time I noticed an overcharge,  
17 yeah.

18 Q: And do you recall why you were  
19 purchasing the 2 percent lactose-free milk on  
20 September 4?

21 A: Yes.

22 Q: Can you tell me --

23 A: My kids needed milk.

24 Q: And are your kids, are any of your kids  
25 lactose intolerant?

1 A: No.

2 Q: Was there a particular reason why you  
3 were buying lactose-free milk?

4 A: Yes. Yes, yes.

5 Q: And what is it?

6 A: Actually, sorry. I'm trying to --  
7 sorry. You're asking me to remember about like to  
8 a year ago, like exactly what was in my mind when  
9 I was buying the milk. Can I just -- so you're  
10 asking me to remember a year ago why I bought  
11 lactose-free milk?

12 Q: Yeah.

13 A: As opposed to any other milk?

14 Q: Yeah.

15 A: So I mean, it could be a bunch of  
16 reasons. We I guess sometimes buy lactose-free  
17 milk. We've purchased it before. It may be out  
18 of habit. Yeah, no. I mean, that's what I chose.  
19 Sorry, I'm having -- like a year ago why a certain  
20 type of milk. Well, you're asking -- yeah.

21 Q: Yeah. I mean, so is there any member of  
22 your family, you, your wife, your two children,  
23 who are lactose intolerant?

24 A: I am lactose intolerant, yeah.

25 Q: All right. I thought I just asked that

1 question. I thought you told me that you weren't.

2 A: I'm sorry, I misunderstood then.

3 Q: So you are lactose intolerant?

4 A: I am lactose intolerant, yeah.

5 Q: And you typically -- does that mean you  
6 typically by lactose-free milk?

7 A: No, we don't typically by lactose-  
8 free -- actually, I'm sorry. We buy both. I am  
9 not typically drinking milk in my household. So  
10 no, we try different types of milks, we've bought  
11 all kinds of milks. That's why I'm having  
12 trouble. Yeah, we bought -- it's not like we only  
13 by that, yeah. If that makes sense.

14 Q: So do you recall whether you purchased  
15 this 2 percent lactose-free milk for you or for  
16 your children or for someone else?

17 A: Yeah. No, it was for my children.

18 Q: And so let me just ask the question, do  
19 you know why you bought lactose-free milk for your  
20 children when they are not lactose intolerant?

21 A: Again, it was over a year ago. Maybe  
22 out of habit. Sometimes we've gotten it before.  
23 My wife's mother is lactose intolerant. So my  
24 wife's mother's household, sometime she buys it.  
25 So sometimes my wife will get that, for example in

1 our apartment in New Jersey, it's something --  
2 yeah. Sorry, can you repeat the question again?

3 Q: Sure. So I'm wondering why if you were  
4 buying the milk for your children and you told me  
5 that you are not lactose intolerant, why you  
6 purchased lactose-free milk.

7 A: Yeah. Again, I don't -- something  
8 that -- lactose-free milk is often in our  
9 household. Sometimes I buy it, sometimes I don't.  
10 If I buy lactose-free milk, it's possible I would  
11 be able to use it and maybe splash some in my  
12 coffee or something. It's typically the only time  
13 I have milk. If I buy non-lactose-free milk I can  
14 take a Lactaid pill or something. But yeah, I  
15 suppose I could have gotten -- I don't know.  
16 You're asking me to speculate on why I bought a  
17 certain kind of milk a year ago. So it's really  
18 hard for me to say.

19 Q: I'm not asking you to speculate. I'm  
20 just asking if you remember.

21 A: I don't know that, yeah.

22 Q: And my question is, do you recall why on  
23 that particular day you were buying 2 percent  
24 lactose-free milk?

25 A: Yes.

1 Q: I thought you just told me that it's  
2 speculating. But go ahead.

3 A: Sorry. I remember why I buy milk, not  
4 specifically which type I picked out or whatever.  
5 But I remember I was buying milk, it was to get  
6 milk for my kids.

7 Q: And do you remember specifically why you  
8 made the choice to purchase 2 percent lactose-free  
9 milk?

10 A: I don't remember specifically.

11 Q: That's what I'm trying to get at.

12 A: Sorry. Again, not trying to be  
13 intentionally obtuse.

14 Q: You know, whatever it is, it is. Had  
15 you -- do you recall having purchased lactose-free  
16 milk from Dollar General prior to September 4,  
17 2022?

18 A: I don't recall specifically, yeah.

19 Q: And on September 4, 2022, when -- so you  
20 only bought one item that day, correct?

21 A: On September 4?

22 Q: Yeah.

23 A: I can check the receipt. I believe so.  
24 But do you mind if I look at the receipt?

25 Q: No, by all means. Exhibit 1 will be

1 what we reference. Exhibit -- and just to be  
2 clear, Exhibit 1 to the complaint, which is  
3 Exhibit 3.

4 A: The 4th, yes. Yes.

5 Q: So you only bought one item on that day,  
6 correct?

7 A: Yes.

8 Q: And this is you bought it at 9:18 p.m.

9 A: Yes.

10 Q: Is that consistent with your  
11 recollection?

12 A: Yes.

13 Q: And if you recall why it is that you  
14 were only purchasing one item as opposed to going  
15 and buying other items?

16 A: Yes. So my -- thank you for helping me  
17 recall some of this. So my daughter likes to  
18 drink milk before she goes to bed. So maybe I  
19 was -- again, this is a year ago. I don't  
20 remember exactly, but I would've probably picked  
21 up milk to give to my daughter because if she  
22 doesn't have her milk before bedtime she is not a  
23 happy camper.

24 Q: I understand.

25 A: But again, that's me trying to remember

1 a year ago.

2 Q: Which daughter was it? Would that be  
3 the seven-year-old or four-year-old?

4 A: Penelope is the one who loves her milk,  
5 yeah.

6 Q: And which one is that?

7 A: The four-year-old.

8 Q: Four-year-old, okay, got it. All right.  
9 So on that particular day, September 4, 2022, did  
10 you go to Dollar General by yourself?

11 A: Yes.

12 Q: So your wife Carmen was not with you at  
13 Dollar General for the September 4, 2022  
14 transaction?

15 A: I don't believe so.

16 Q: And do you recall looking at the shelf  
17 price tag prior to grabbing the milk and going to  
18 the cash register?

19 A: I don't recall specifically.

20 Q: Do you typically look at price tags,  
21 shelf price tags of items when you're shopping?

22 A: Typically I trust that stores have  
23 accurate pricing, that they are honest and  
24 straightforward with their customers. So  
25 typically, no.

1           Q:    You don't recall whether you did for the  
2           September board 2022 transaction for 2 percent  
3           lactose-free milk?

4           A:    I don't recall whether I looked at the  
5           shelf price before.  Yeah, I don't recall.

6           Q:    And it says in the paragraph 14 that you  
7           used Carmen's credit card; is that right?

8           A:    Yes, I'm an authorized user, yeah.

9           Q:    So I guess I wanted a little clarity on  
10          sort of what credit cards you all have, and is it  
11          a joint account.  Some of that kind of stuff.  Let  
12          me just ask, the -- Carmen's credit card that is  
13          referenced in paragraph 14, who is that through?

14          A:    I believe through Carmen.  Is that what  
15          you -- sorry.

16          Q:    Who is the bank?

17          A:    Oh, the bank.  Citibank.

18          Q:    And is that MasterCard?

19          A:    I believe so.

20          Q:    If you want to reference Exhibit 1 to  
21          Exhibit 3.

22          A:    Exhibit 1 to Exhibit 3.  Sorry, what --

23          Q:    It's just the first one.

24          A:    Right there?

25          Q:    Yeah, right there.



1           A:    It's a card I know ends in like 6329 or  
2 whatever.

3           Q:    You've seen --

4           A:    Your question, is it a MasterCard?

5           Q:    Yeah.

6           A:    I think so, yeah.

7           Q:    Well, can you look at the third line?

8           A:    Yes, it is a MasterCard, thank you.

9           Q:    And I don't know what some of these  
10 numbers mean, but right next to the MasterCard it  
11 says 8142. Is that like the last four of one of  
12 your credit cards or one of Carmen's credit cards  
13 to your knowledge?

14          A:    I don't think so.

15          Q:    How many credit cards do y'all own?

16          A:    Typically use this, we call it like a  
17 joint account card although I'm technically an  
18 authorized user, for like mostly everything. I do  
19 have, I call it like a personal card, like one  
20 that's not a joint card that I typically don't  
21 use. Kind of keep it as a backup. Carmen, it's  
22 hard for me to speak for. I don't want to speak  
23 for her.

24          Q:    The personal card that you have, who was  
25 that through in terms of the bank or the financial

1 company?

2 A: Citibank, yeah.

3 Q: Citibank. And is that also a  
4 MasterCard?

5 A: Yes.

6 Q: Did -- let me ask you this. I know that  
7 we received some credit card statements related to  
8 Dollar General purchases. Do you know whether or  
9 not any of those documents were from this personal  
10 card that you have or not?

11 A: I don't think so.

12 Q: Did you check the credit card statements  
13 of your personal card to see if there were any  
14 Dollar General transactions over the last three  
15 years?

16 A: I think so. Although I want to double  
17 check.

18 Q: I'll just put on the record that I would  
19 ask that you consult with your attorneys about  
20 that.

21 A: Yeah.

22 Q: If there is anything, if we could get  
23 those because we've asked for that.

24 A: Yeah.

25 Q: Going back to the card that you used on

1 September 4, 2022, tell me how this works. Is  
2 there just one card that you have that you -- one  
3 physical card that you and Carmen sort of pass  
4 back and forth? Or is there multiple cards?

5 A: I have a card and she has a card.

6 Q: And do they have the same last four  
7 digits? The same number, the last four digits?

8 A: Yeah.

9 Q: And is that a joint account?

10 A: We call it a joint account. If I call  
11 on the phone to make changes I have to get Carmen  
12 on the phone. So technically I think I'm -- they  
13 call me an authorized user, but I have a card with  
14 my name on it.

15 Q: And you are considered to be an  
16 authorized user of that account to your knowledge?

17 A: That's my understanding.

18 Q: And who -- does she pay the bills? Do  
19 you pay the bills for that particular credit card?

20 A: Do I pay the bills? Like where does the  
21 income come from?

22 Q: Yeah.

23 A: We both pay the bills.

24 Q: And let me just ask it this way because  
25 I know -- do y'all have like a joint bank account?

1 A: Yeah.

2 Q: And is that what would be used to pay  
3 Carmen's credit card that we are talking about  
4 here?

5 A: Typically, yeah.

6 Q: I'm just wondering whether or not she  
7 has like a separate account that she uses to pay  
8 for -- you know, what's charged to that credit  
9 card or not.

10 A: It will come from a joint account, joint  
11 bank account, yeah.

12 Q: What about your personal card? Is that  
13 something that you pay with from the joint bank  
14 account or from some other account?

15 A: I would pay it from an individual  
16 account that I have, not from the joint account.

17 Q: And what is sort of the purpose of that  
18 personal card?

19 A: Just to have a backup credit card in  
20 case I lose one or whatever.

21 Q: Is there a particular reason for like  
22 business reason or anything like that?

23 A: No.

24 Q: All right. Let's go back to September  
25 , 2022. You went in to purchase the lactose-free  
milk. And did you take it to the checkout

1 register to check out?

2 A: Yes. I don't remember. Yes, I know I  
3 checked it out, yeah.

4 Q: And let me ask you this. Is there a  
5 self-serve checkout register at that particular  
6 Dollar General or not?

7 A: As far as I'm aware there is one now.  
8 I'm not sure if there was one at that time. There  
9 may have been.

10 Q: And on September 4, 2022, do you recall  
11 whether or not you had a Dollar General employee  
12 checking you out or not?

13 A: I don't remember.

14 Q: When you checked out, was there a  
15 monitor that would display the item and the price  
16 that you recall?

17 A: I don't remember exactly what the layout  
18 was at that time, yeah.

19 Q: You purchased the product. At what  
20 point did you realize that you had been  
21 overcharged?

22 A: Yeah. So I guess after making the  
23 purchase. I can't remember what it was at the  
24 time, but something didn't set right or feel  
25 right. I went and took a picture of the shelf

1 price. And when I got home I compared the picture  
2 that I had with the receipt and realized that I  
3 had been overcharged.

4 Q: So you went and took a picture of the  
5 shelf tag at what point? During the same visit?

6 A: Yeah. Yeah, after I had checked out.

7 Q: And why did you do that?

8 A: I guess I was worried about being  
9 overcharged, but I don't remember specifically  
10 what prompted it, yeah.

11 Q: And it's your testimony that you didn't  
12 actually compare the shelf price tag and the  
13 receipt until you got home?

14 A: Yes.

15 Q: You were given a receipt after that  
16 transaction, right?

17 A: Yeah.

18 Q: It was a physical receipt?

19 A: Yeah.

20 Q: It's what's depicted in Exhibit 1 to  
21 Exhibit 3?

22 A: Yeah.

23 Q: You could have compared that receipt to  
24 the shelf price tag right then, right?

25 A: Could have, has a lot of judgment in

1       that. Like the verb, to be able to.

2           Q: I'm not trying to judge. I'm simply  
3 asking you, was there something preventing you  
4 from comparing the receipt to the shelf price tag?

5           A: I see. Yeah, I was buying milk for my  
6 kid who needed to go to bed. Or whatever. I  
7 don't want to speculate. But yes, I needed to get  
8 home and get this stuff to my kid. So that's why  
9 I didn't do it there, if that's why you're asking  
10 why it did not compare them in the store. I was  
11 trying to get my food and these necessities home  
12 to my children who needed them.

13          Q: But you did take the time to go snap a  
14 picture?

15          A: Walked around the corner, snapped a  
16 photo, and decided I would investigate it when I  
17 had time.

18          Q: And I want to explore a little bit. You  
19 said that you just got a funny feeling and that's  
20 why you took the picture.

21          A: I don't want to speculate. This was  
22 over a year ago. But obviously something -- for  
23 some reason I thought that there was some kind  
24 of -- overcharging may have been a possibility.  
25 So I wanted to be vigilant, to snap a photo just

1 to be able to -- just appeal to verify if I have  
2 been overcharged.

3 Q: Was there a reason why you didn't ask  
4 the employee whether that was the correct price?

5 A: Like why it didn't go back later?

6 Q: No, at that particular --

7 A: So I didn't realize I had been  
8 overcharged in July had compared the photo and  
9 receipt, which was not at Dollar General, yeah.

10 Q: But you just testified that you had an  
11 idea that it was possible you had been  
12 overcharged.

13 A: There's always a possibility that  
14 overcharging happens. I just wanted to snap a  
15 photo just to be on to verify that I was being  
16 accurately charged the correct price. I didn't  
17 know I had been overcharged.

18 Q: But you thought there might have been?

19 MR. BRYSON: Objection to form.

20 MR. TAYLOR: You can't make an  
21 objection. Who's objecting?

22 MR. MERINO: Objection to form. You can  
23 answer.

24 A: I just wanted to be vigilant, keep  
25 records to make sure I hadn't been overcharged.



1           Q:    Have you ever before taking a picture of  
2           a shelf label at any store prior to September 4,  
3           2022, with your phone?

4           A:    Not that I can recall.

5           Q:    And so I'm trying to understand, what is  
6           it that led you to, for the first time ever, to  
7           take a picture of a shelf price tag on September  
8           4, 2022, when you were admittedly already in a  
9           hurry?

10          A:    Yeah.  Again, I generally trust that  
11          stores have accurate pricing.  I already had in my  
12          head to kind of be sort of vigilant in Dollar  
13          General to make sure I wasn't being overcharged.  
14          I don't recall the specifics of that incident, but  
15          I decided there I wanted to go back and try and  
16          verify -- take a picture so I can verify that I  
17          was being accurately charged.  But no, I don't  
18          remember all the specifics of what happened over a  
19          year ago in this milk purchase.

20          Q:    Do you recall how soon after you paid  
21          for the lactose-free milk on September 4, 2022  
22          that you photographed at the shelf price label?

23          A:    I think right afterwards, sort of on the  
24          way out the door.

25          Q:    Was there anything that prevented you

1 from asking the Dollar General employee who was  
2 there, what the correct price was? Or to -- you  
3 know, about the overcharging? The possibility of  
4 overcharging?

5 A: So again, I can't speak to this thing  
6 that happened a year ago. I don't remember all  
7 the details. But yeah, certainly I was -- wanted  
8 to get home and get the stuff home to my kids.  
9 There's typically one, maybe two employees at  
10 Dollar General and they are usually checking out  
11 other people. But I -- yeah, again, I'm just --  
12 I'm speculating as to the circumstances of a milk  
13 purchase that happened a year ago.

14 Q: But that milk purchase forms the basis  
15 of the complaint.

16 A: Yeah. Yeah.

17 Q: Which is why it's important and why I'm  
18 asking questions about that.

19 A: Yeah.

20 Q: And so I believe you said that you went  
21 and took the photograph of the shelf label  
22 immediately after the transaction was complete; is  
23 that right?

24 A: I believe so, yeah.

25 Q: And so my question is, do you or do you

1 not sort of recall what it was specifically that  
2 popped into your head that led you to want to go  
3 take that picture?

4 MR. MERINO: Objection, asked and  
5 answered. You can answer.

6 A: Again, I wanted to make sure that Dollar  
7 General is charging the accurate price. That's  
8 all I can remember.

9 Q: Do you recall whether there were other  
10 individuals and customers in the store that  
11 evening?

12 A: I don't recall.

13 Q: All right. So you said that you went  
14 home and compared it. At what point did you  
15 compare it?

16 A: I don't recall exactly. It would have  
17 been in the day or days afterwards.

18 Q: But at some point you noticed that there  
19 was a price discrepancy?

20 A: Yes.

21 THE WITNESS: I'm sorry, after this  
22 question can I -- bathroom break? Is that okay?  
23 Like two minutes or --

24 MR. TAYLOR: Oh, yeah. Yeah.

25 THE WITNESS: Unless we are going to

1 have lunch right around the corner.

2 MR. TAYLOR: I'm not sure.

3 THE WITNESS: I've just been drinking a  
4 lot of water.

5 MR. TAYLOR: Yeah, no. Why don't we --  
6 as soon as we get an answer to this --

7 THE WITNESS: Yeah, yeah, after this  
8 one, yeah.

9 MR. TAYLOR: And so can you read back my  
10 question please?

11 COURT REPORTER: Sure.

12 (The requested audio was played back.)

13 Q: At some point you noticed a price  
14 discrepancy.

15 A: Yeah.

16 MR. TAYLOR: Let's go ahead and take a  
17 break.

18 THE WITNESS: Yeah, just two minutes if  
19 that's possible.

20 MR. TAYLOR: Sure.

21 (Off the record at 12:10 p.m., resuming  
22 at 12:13 p.m.)

23 BY MR. TAYLOR:

24 Q: All right, Mr. Wolf. We were just  
25 talking about how you had -- or testimony that you

1 had realized that you had overpaid at some point  
2 after the September 4, 2022 transaction, correct?

3 A: Yes.

4 Q: And you don't recall exactly what was  
5 that you realized that there had been an  
6 overcharge?

7 A: It was a soon afterwards, but not  
8 exactly, no.

9 Q: And how much were you overcharged? You  
10 can look at paragraph 14 if that's helpful.

11 A: Yeah. Yeah, yeah. Yeah, in the  
12 September 4th purchase?

13 Q: September 4th.

14 A: Yeah, \$.10.

15 Q: And when you realize -- how did you  
16 realize that you have been overcharged? What did  
17 you do?

18 A: How did I realize I've been overcharged?

19 Q: How did you realize it, yeah?

20 A: Yeah, comparing the receipt to the shelf  
21 price that was listed, the photograph.

22 Q: The photograph, okay. And do you -- is  
23 it your testimony that you don't recall whether  
24 you did it later that evening on September 4 or  
25 whether it was September 5 or some other time?

1 A: I don't remember right now, sorry.

2 Q: And when you did realize that you had  
3 been overcharged \$.10, what was your reaction?

4 MR. MERINO: Objection to form. You can  
5 answer.

6 A: I wasn't happy.

7 Q: And what did you do about it?

8 MR. MERINO: Objection to form. You can  
9 answer.

10 A: I contacted Andrew Wolf to seek legal  
11 advice.

12 Q: Do you recall all -- did you happen to  
13 go back to that Dollar General at some point  
14 thereafter?

15 A: Ever?

16 Q: Yeah.

17 A: Yes.

18 Q: Do you recall when it was?

19 A: The most immediate time afterwards you  
20 are saying? Or any times?

21 Q: Do you recall the next time you went?

22 A: The very next time? I don't remember  
23 off of my head the very next time that I went.

24 Q: And was there a -- did you -- so you are  
25 now aware of this price overcharge. The next time

1 you went to that Dollar General, did you talk to a  
2 Dollar General employee about it?

3 A: No.

4 Q: Why not?

5 A: So typically when I go to Dollar General  
6 it's too buy necessities and groceries for my  
7 family. And that's why I'm going there. So  
8 that's what I'm doing if that makes sense.

9 Q: And my question is why didn't you raise  
10 it with a Dollar General employee. You said you  
11 weren't happy. I think you use the word horrified  
12 earlier. So why didn't you raise it with a Dollar  
13 General employee? You are already there.

14 A: Yeah. You're asking me to like  
15 hypothesize why I didn't, did not do something a  
16 year ago?

17 Q: I'm not asking you to hypothesize. I'm  
18 asking you why you didn't -- what was your  
19 reasoning for not talking to a Dollar General  
20 employee about this particular issue?

21 MR. MERINO: Objection to form. You can  
22 answer.

23 A: Yeah, I don't remember what was going on  
24 the next time I was in the Dollar General there  
25 and what time constraints or whatever I would have

1 had. So I don't think I can answer that.

2 Q: And what --

3 A: I don't remember, yeah.

4 Q: Well, so you discovered that there was  
5 an alleged overcharging by Dollar General. When  
6 that occurred, did you think to yourself, oh, I'm  
7 going to go have a conversation with the employees  
8 at the Dollar General store to get the issue  
9 addressed? Did you ever have that thought?

10 MR. MERINO: Objection to form. You can  
11 answer.

12 A: So I'm just pausing trying to remember  
13 my thoughts a year ago, if that's okay. Thoughts  
14 that -- you're saying like did you have thoughts  
15 that then did not act on? And this is a year ago.  
16 So this is tough to remember, if that makes sense.

17 Q: If you don't remember, you don't  
18 remember.

19 A: Yeah. Yeah, I don't remember. I'm  
20 sorry.

21 Q: And have you ever gone to customer  
22 service at a retailer before?

23 MR. MERINO: Objection to form. You can  
24 answer.

25 A: So I'm trying to remember like specific



1 incidents to be able to answer that. I don't  
2 remember any specific incidents of going to  
3 customer service. Yeah, I don't remember any  
4 specific incidents of going to customer service, I  
5 guess would be my answer.

6 Q: And I guess really in the core of the  
7 question is this. Why is it that you thought to  
8 call a lawyer after been overcharged \$.10 rather  
9 than addressing it at the Dollar General store  
10 where you made the purchase?

11 A: Yeah. I -- and so as I said before, I  
12 generally trust that -- excuse me. I generally  
13 trust that stores have accurate pricing, that they  
14 are not overcharging their customers. You know,  
15 in this case I felt that that trust was really  
16 broken here and I decided to seek advice on this,  
17 yeah.

18 Q: Let me ask you this. Let's go ahead and  
19 move to paragraph 13 on Exhibit 3. It says when  
20 there was a price discrepancy, plaintiffs were  
21 charged and paid more than the advertised price.  
22 Do you ever recall being aware that you are  
23 undercharged, paid less for any products at Dollar  
24 General?

25 MR. MERINO: Objection to form. You can

1 answer.

2 A: No.

3 Q: Would you be upset if you were  
4 undercharged?

5 MR. MERINO: Objection to form. You can  
6 answer.

7 A: These hypotheticals --

8 Q: It's not a hypothetical. It's not a  
9 hypothetical.

10 A: Would you be upset if you were  
11 undercharged?

12 Q: Can you answer it?

13 A: I don't think so, but I haven't been in  
14 that situation. But I don't think so.

15 Q: Would you feel like your trust had  
16 been -- the trust you had in the retailer had been  
17 broken if you were undercharged for a product?

18 MR. MERINO: Objection to form. You can  
19 answer.

20 A: Yeah, you are asking me to speculate  
21 about my mental state in a hypothetical situation.  
22 This is hard for me to do. I don't know what my  
23 feelings would be because I haven't experienced  
24 that.

25 Q: You know, just do the best you can with

1 the question.

2 A: I don't know.

3 Q: Going back for a moment with the credit  
4 card that you used which you said you were using  
5 Carmen's credit card. When you use Carmen's  
6 credit card and you sign the name, do you sign  
7 your name or her name?

8 A: Mine.

9 MR. MERINO: Objection to form. You can  
10 answer.

11 A: My name, yeah.

12 Q: So you -- after this September 4  
13 transaction, September 4, 2022 transaction, in  
14 paragraph 14 it lists the next one being September  
15 18, 2022; is that correct?

16 A: Yes.

17 Q: And you had discovered at the tents and  
18 overcharge for the September 4, 2022, transaction  
19 prior to the September 18, 2022, transaction,  
20 correct?

21 A: Yes.

22 Q: So when you went into the store on  
23 September 18, 2022, you were aware that there  
24 could be a price discrepancy of items at the  
25 Dollar General?

1 MR. MERINO: Objection to form. You can  
2 answer.

3 A: I was aware that there had been in the  
4 past. I didn't know what I was going to be  
5 greeted with when I walked in on that day.

6 Q: Would you say that you were more  
7 careful? Or I think you used the word vigilant  
8 earlier. Were you more vigilant upon that visit  
9 at the Dollar General on September 18, 2022?

10 A: So again, a purchase a year ago, it's  
11 hard for me to compare levels of vigilance. But I  
12 was also vigilant, I guess. I wanted to -- I  
13 documented it to be able to verify later if I had  
14 been overcharged.

15 Q: I want to go back just for a second to  
16 the September 4th transaction, 2022. And you paid  
17 4.25 and the shelf price was 4.15, right?

18 A: Yes.

19 Q: Would you still have bought the lactose-  
20 free milk if the shelf price tag had been 4.25?

21 A: Yeah, I don't want to speculate on what  
22 I would or wouldn't have done a year ago. That's  
23 hard for me to do.

24 Q: So your testimony is that \$.10  
25 difference might have made a difference about

1 whether you made the purchase or not?

2 A: I don't know right now what difference  
3 it would have made. Yeah, I can't speculate as to  
4 what decisions I would have made differently in an  
5 alternate universe.

6 Q: Let me direct your attention to the  
7 second page of Exhibit 1 of Exhibit 3. So you go  
8 to that, it's one of the photographs I believe.  
9 Yeah, that. And you see here a receipt from the  
10 September 18, 2022, transaction, correct?

11 A: Yes.

12 Q: And this time the transaction was for  
13 Eggo buttermilk waffles and lactose-free whole  
14 milk; is that correct?

15 A: Yes.

16 Q: And it's the same brand of lactose-free  
17 milk that you purchased before, correct?

18 A: Yes.

19 Q: Do you recall specifically why you  
20 wanted -- why you were there and why you were  
21 purchasing Eggo waffles and lactose-free whole  
22 milk on that occasion?

23 A: This would have been to have necessities  
24 for my family, specifically, my children are the  
25 only ones who eat Eggo waffles and typically drink

1 milk.

2 Q: And do you recall when -- and so tell me  
3 what you remember about the September 18, 2022  
4 transaction.

5 MR. MERINO: Objection to form. You can  
6 answer.

7 A: Yeah, I remember -- can I remember  
8 something like details about the transaction?  
9 Like in the store?

10 Q: Yeah, anything you remember about going  
11 to the store that day and --

12 A: Yeah, I mean, the only thing I can  
13 say --

14 Q: -- so --

15 A: -- paid for merchandise. I paid for  
16 what I bought, got a receipt, took a photo or some  
17 photos to make sure I was being -- so I would be  
18 able to verify if I was being accurately charged.  
19 That's all I know.

20 Q: Was anyone with you on that date? I  
21 mean, was Carmen or the children with you on  
22 September 18, 2022, when you were making this  
23 transaction at Dollar General?

24 A: Not that I remember.

25 Q: Do you recall at what point you took the

1 photographs of the shelf label?

2 MR. MERINO: Objection to form. You can  
3 answer.

4 A: Yeah, so I believe this time it was  
5 snapping photos before. I'm sorry, can you  
6 answer -- can you restate the question? You said  
7 at what time?

8 Q: At what point --

9 A: Oh, what point, okay.

10 Q: Did you take the photographs of the  
11 shelf price labels of the products you purchased  
12 on September 18, 2022?

13 A: Are you asking for like a date and time?  
14 What do you mean by point?

15 Q: At what point? Was it before or after  
16 you actually purchased the items?

17 A: I believe in this case it was before,  
18 yeah.

19 Q: And why did you do that?

20 A: Again, to be able to verify that Dollar  
21 General wasn't overcharging me.

22 Q: Did you have some kind of idea that  
23 these particular shelf price labels were  
24 inaccurate?

25 MR. MERINO: Objection to form. You can

1 answer.

2 A: No.

3 Q: Am I correct in saying -- well, let me  
4 ask you this. This is the exact same brand and  
5 product, although I recognize that one of them was  
6 whole milk, the other was 2 percent that you  
7 purchased last time. Did you, going into that  
8 store, did you remember what the price was for the  
9 transaction on September 4, 2022?

10 A: Yeah, I did not remember.

11 Q: And so you took the -- so do you recall  
12 when you went in the store on September 18, 2022,  
13 whether you had -- whether you were planning to  
14 buy anything other than Eggo waffles and lactose-  
15 free milk?

16 MR. MERINO: Objection to form. You can  
17 answer.

18 A: Yeah. I don't recall. I typically buy  
19 what I am intending to get unless there is  
20 something not available. But yeah, I don't recall  
21 specifically.

22 Q: When you have gone to Dollar General do  
23 you always use a credit card? Do you ever use  
24 cash?

25 A: I don't think I've ever used cash.



1 Q: Yeah, me too. I can't remember the last  
2 time I used cash for anything.

3 A: Really?

4 MR. MERINO: I'm actually getting a  
5 little hungry for lunch. I don't know if you  
6 wanted to --

7 MR. TAYLOR: Hunter had said 12:45.  
8 But --

9 MR. MERINO: We can do 12:45.

10 MR. TAYLOR: It doesn't really matter to  
11 me, honestly.

12 MR. MERINO: I'm ready to go now because  
13 it's 12:30 and it's easier to just go to 1:00 if  
14 that's okay with you.

15 MR. TAYLOR: Yeah, that's a day.

16 MR. MERINO: I mean, keep it round.  
17 He's hungry and so if there's some --

18 MR. BRYSON. All right. Yeah. I'm not  
19 even hungry.

20 MR. TAYLOR: All right. Let's go off  
21 the record, get a little glucose in our system or  
22 something.

23 (Off the record at 12:33 p.m., resuming  
24 at 1:22:20)

25 BY MR. TAYLOR:

1 Q: All right Mr. Wolf, I hope you had a  
2 good lunch. I wanted to -- you may recall that we  
3 were -- before our lunch break we were talking  
4 about the September 18, 2022, transaction.

5 A: Yes, what page was that on again?

6 Q: Well, paragraph 14 of Exhibit 3 --

7 A: Got it, yeah.

8 Q: Talks about it. And I guess I wanted to  
9 ask you if you recall when you were grabbing the  
10 items, the waffles in the lactose-free whole milk,  
11 before going to the cash register did you look at  
12 the shelf price label for those products?

13 A: I don't recall.

14 Q: But you did take pictures of them?

15 A: Yes.

16 Q: And I guess my question is, let me ask  
17 it this way. Do you recall sort of looking to see  
18 what the price was as you were taking the picture?  
19 Or were you just taking a picture just to take a  
20 picture?

21 A: I believe just snapping a photo, yeah.

22 Q: And you -- when you went to check out,  
23 do you recall whether you checked out some service  
24 or with an employee?

25 A: Don't recall, sorry.

1           Q:   And when did you realize after the  
2           September 18 transaction that there had been an  
3           overcharge?

4           A:   Sometime after the purchase when I  
5           compared the receipt and the photo of the shelf  
6           price.

7           Q:   And do you recall when that was? Was it  
8           right after? Was it the next day? Were you at  
9           home? Were you still in the store? Do you recall  
10          anything about where you were when you realized --

11          A:   I don't recall, unfortunately.

12          Q:   Now when you were checking out on  
13          September 18, 2022, do you recall whether you look  
14          at the price monitor?

15               MR. MERINO:  Objection to form.  You can  
16          answer.

17          A:   I don't recall.

18          Q:   All right.

19               MR. TAYLOR:  I'm going to mark this  
20          as --

21               COURT REPORTER:  Exhibit 4

22               MR. TAYLOR:  Exhibit 4.  All right.  I  
23          will him that to you.  
24          (Exhibit 4 was marked for  
25          identification.)

1 MR. MERINO: Yeah.

2 Q: I'm handing you Exhibit 4, Mr. Wolf.  
3 These are some photos. And I was wondering if you  
4 could flip to them just real quick, and I'm going  
5 to ask you some questions about them. Do --

6 A: Yes.

7 Q: Do these photos look familiar?

8 A: I guess I need to refresh my memory a  
9 little bit. Yeah.

10 Q: And let me represent you that these are  
11 photos that were taken from the iPhone Mini if  
12 that helps any.

13 A: Yeah.

14 Q: And I guess on a certain level -- well,  
15 first of all, let me ask you this. Do you know  
16 whether you took these photos?

17 A: If they were taken on an iPhone Many, I  
18 did not take these photos.

19 Q: And that was a question I was going to  
20 ask you a little bit later, but I will go ahead  
21 and ask it. Am I correct -- well, the iPhone  
22 Many, you have a report where images and text  
23 messages were taken from two phones and one was an  
24 iPhone Max and the other one was an iPhone Mini.  
25 Are those phones that you and your wife have?

1 A: Yes.

2 Q: And which one is your wife's?

3 A: My wife has the iPhone Mini.

4 Q: And you have the iPhone Max?

5 A: Yes.

6 Q: So it's an iPhone 12?

7 A: Yes.

8 Q: Do you still have that phone? Or were  
9 you looking to upgrade or get a different one?

10 A: I do not have the phone anymore.

11 Q: Got it. So do you recognize the  
12 location of where these photos were taken?

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: So it says -- I think I can make out the  
16 words of Dollar General. It looks like a Dollar  
17 General.

18 Q: And do you -- does this -- is this photo  
19 consistent with how you remember the Dollar  
20 General at the White Lake, New York location, how  
21 it looks?

22 MR. MERINO: Objection to form. You can  
23 answer.

24 A: Yeah. I'm not sure. I don't remember  
25 the layout or whatever. Is this how Dollar

1 General looked? Was that the verb?

2 Q: How it looked in general at the White  
3 Lake.

4 A: At the White Lake?

5 Q: At the White Lake.

6 A: I don't remember how that layout was  
7 when I -- we are talking about when I made the  
8 September 18th purchase? Is that what you are  
9 specifically talking about?

10 Q: Yeah. So we will go with the September  
11 4th and September 18, 2022 purchases first. Is  
12 this consistent? Are these photos consistent with  
13 your recollection of the layout of the Dollar  
14 General store in White Lake, New York at the time  
15 you made those transactions?

16 A: Yeah.

17 MR. MERINO: Object to form. You can  
18 answer.

19 A: So yeah, I will answer that. I don't  
20 remember exactly what the layout was, September of  
21 2022. So that's hard for me to answer.

22 Q: And so what about more recently? Are  
23 these photos consistent with how the Dollar  
24 General -- your recollection of how the Dollar  
25 General in White Lake, New York appears today,

1 now, the last time you visited?

2 A: Do you know when these are -- are you  
3 going to tell me when these are from?

4 Q: Yes. My understanding is approximately  
5 September 2023.

6 A: September 2023? And does it still look  
7 like this now?

8 Q: Yeah. I mean, is this consistent with  
9 how you recall that store? The one White Lake?

10 A: What am I recalling exactly about the  
11 photo?

12 Q: You've shopped at the --

13 A: Yeah.

14 Q: White Lake Dollar General, correct?

15 A: I only --

16 Q: Is this how the register appears?

17 A: The register?

18 Q: The register and the display monitor?

19 A: Is how it appears now the same as in  
20 this photo?

21 Q: Yeah, is it consistent with your  
22 recollection?

23 A: I would just -- I mean, I will say it  
24 might. I don't have a specific, memorized  
25 recollection of the layout there. Yeah.

1           Q:   And in particular you will notice that  
2           in these photos there is a monitor facing the  
3           consumer that has -- for instance, let me point  
4           you in particular to the fourth page of Exhibit 4,  
5           and we will see that there is a monitor there that  
6           it says HELWN-DIY paddle ball, one dollar. Do you  
7           see that?

8           A:   Yes.

9           Q:   And I'm going to represent to you that  
10          that is a monitor that displays products as they  
11          are scanned for a purchase. And my question to  
12          you is, do you recall having seen this monitor at  
13          the point-of-sale, at the register where you  
14          purchased products, at the Dollar General in White  
15          Lake, New York before?

16               MR. MERINO: Object to form. You can  
17          answer.

18          A:   Before? Ever, not specifically  
19          September?

20          Q:   Ever.

21          A:   I guess I don't have a specific  
22          recollection of what the exact set up of a Dollar  
23          General store looks like.

24          Q:   And I'm not asking --

25          A:   It's hard to compare this to a specific



1 recollection of mine.

2 Q: And I'm not asking about the exact  
3 recollection. I'm asking, have you ever seen a  
4 monitor like this at a Dollar General before?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: Have you seen a monitor like this at a  
8 Dollar General store? I -- it's -- all I will say  
9 is it's possible. I don't remember specifically  
10 looking at this monitor. But as possible, yeah.

11 Q: So you don't remember looking at this  
12 monitor? Is that -- would that be true for all of  
13 your Dollar General visits at the White Lake, New  
14 York store?

15 MR. MERINO: Object to form. You can  
16 answer.

17 A: As I remember right now, do I remember  
18 looking at a monitor like this?

19 Q: At the Dollar General White Lake, New  
20 York store at any point.

21 A: Monitor like this: yes, I -- yeah, if  
22 that makes sense.

23 Q: When?

24 A: Okay.

25 Q: When?

1           A:    I'm sorry, I think I misstated my  
2           response. Can you repeat that again? Because I  
3           that's what I was saying is I don't have a  
4           specific recollection of like this monitor, a  
5           monitor like this, yeah.

6           Q:    Okay, because I thought you just said  
7           yes. So I'm just trying to understand. Whatever  
8           it is, it is.

9           A:    Yeah, yeah.

10          Q:    Do you recall ever having seen a monitor  
11          like this, whether bigger or smaller, and monitor  
12          at the point of sale, the cash register, at the  
13          White Lake Dollar General store?

14          MR. MERINO: Objection to form. You can  
15          answer.

16          A:    Yeah, a big one. There is a self-  
17          checkout one that I do remember. Yeah.

18          Q:    Okay, and --

19          A:    It's bigger and I think maybe more clear  
20          or more noticeable.

21          Q:    And when do you recall having looked at  
22          that one?

23          A:    I don't have a specific date that I  
24          remember seeing it. But I do remember seeing it.

25          Q:    So it sounds like you may be have used

1 self-checkout at times that the White Lake store.

2 A: I think so.

3 Q: Let me just make sure your testimony  
4 about this particular monitor --

5 A: Yeah.

6 Q: -- at the Dollar General store in White  
7 Lake. It's not your testimony that you -- that  
8 there was not a monitor? You just can't recall  
9 whether there was a monitor or non-at the register  
10 with the employee would checkout someone at the  
11 White Lake store?

12 A: Right. If there was -- what it was  
13 facing this way or the set up or working, I don't  
14 know. Yeah, I don't recall specifically, yeah.

15 Q: When you have gone to the Dollar General  
16 store and White Lake before, is it your practice  
17 to look at that monitor when the employee is  
18 checking you out, when you are making a purchase  
19 there?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: Yeah, I don't know that I have in some  
23 way, but I know that I have a general practice  
24 when it comes to buying milk. I haven't thought  
25 through strategies for buying milk in the past,

1 but I have a general practice. Hard for me to  
2 answer.

3 Q: Well, would you agree with me that this  
4 particular monitor displays an item and a price  
5 and that it's legible?

6 MR. MERINO: Object to form. You can  
7 answer.

8 A: In this photo, yes.

9 Q: And would you agree with me that if you  
10 wanted, if a customer wanted to see what items are  
11 being scanned and what the price of those items  
12 are, then they could do so with this monitor?

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: Can you repeat that again?

16 MR. TAYLOR: Can you repeat that?

17 (The requested audio was played back.)

18 A: So if a customer wants to see what items  
19 are being bought. And what was the second part?

20 MR. TAYLOR: Play it again?

21 Listen closely.

22 (The requested audio was played back.)

23 A: Okay, thanks. The audio is a little  
24 muffled. It's hard to hear. I'm trying to  
25 understand what the price of those things are. If

1 the customer is looking at this monitor in this  
2 picture, right?

3 Q: Yeah.

4 A: My understanding. Yes.

5 Q: All right. So once you realized --  
6 going back to the September 18, 2022,  
7 transaction -- you can set that aside for now. We  
8 may come back to it. The September 18, 2022,  
9 transaction, you testified that at some point  
10 thereafter you realized you have been overcharged,  
11 correct?

12 A: Yes.

13 Q: And when you realized that, what, if  
14 any, actions did you take?

15 MR. MERINO: Objection to form. You can  
16 answer.

17 A: I sought continued legal counsel.

18 Q: So you call up your lawyer?

19 A: I don't remember what form of  
20 communication was.

21 Q: Okay, but you contacted your lawyer?

22 A: Yes. Yes.

23 Q: And the lawyer you contacted was your  
24 dad?

25 A: At this point I'm not sure, yeah.

1           Q:    Do you recall how soon after you  
2           discovered that you had been overcharged on  
3           September 18, 2022, that you contacted an  
4           attorney?

5           A:    I'm not sure.

6           Q:    Do you recall how you contacted them?  
7           You know, text message, phone call?

8           A:    Unfortunately, no.

9           Q:    Did you take any other actions after you  
10          discovered you were overcharged during the  
11          September 18, 2022, transaction?

12               MR. MERINO:  Objection to form.  You can  
13          answer.

14          A:    Actions after I discovered I was  
15          overcharged?

16          Q:    Yeah.

17          A:    I guess I'm having trouble understanding  
18          the frame of the question.

19          Q:    Okay, what did you do?

20          A:    Probably ate dinner.

21          Q:    Did you do anything else?

22          A:    Put my children to bed.

23          Q:    Regarding the overcharge?

24          A:    Okay, that's what I'm asking.

25                Again, these pauses, I'm really trying

1 to remember stuff from a year ago. I can't  
2 remember anything else right now.

3 Q: Did you talk with your wife about it?

4 A: Yes. Yes.

5 Q: Do you recall what you said during that  
6 conversation with your wife about the September  
7 18, 2022, transaction?

8 A: No.

9 Q: Do you recall her -- any response that  
10 she had?

11 A: No.

12 Q: Let's go back to September 4, 2022,  
13 transaction really quick. Did you talk to your  
14 wife after you discovered that you have been  
15 overcharged during that transaction?

16 A: Yes.

17 Q: And do you recall that conversation with  
18 her?

19 A: Not the specifics, no.

20 Q: Do you recall anything about it?

21 MR. MERINO: Objection to form, you can  
22 answer.

23 A: Not specifically. I recall relaying the  
24 overcharge, but I don't recall -- yeah, I don't  
25 recall anything else.

1 Q: Do you recall her reaction or whether  
2 she had a reaction when he told her about the  
3 overcharge, either after the September 4, 2022,  
4 transaction, or the September 18, 2022,  
5 transaction?

6 MR. MERINO: Objection, asked and  
7 answered to the extent of the September 18,  
8 transaction, but you can answer.

9 A: Yeah. No. No.

10 Q: I want to move to Exhibit 3, which is  
11 the complaint. If we can move to the next  
12 transaction which is on December 11th, and it's  
13 paragraph 22 at the bottom of page 5. Now the  
14 chart here says December 11, 2023. Am I correct  
15 in saying that that's a typo in is actually  
16 December 11, 2022?

17 A: You're asking me that? Yes. Yes.

18 Q: And if you want to see the attachment to  
19 this -- well, so the December 11, 2023  
20 transaction -- or 2022 transaction, yeah, at  
21 Dollar General, am I correct in saying that at  
22 this point in time you had already retained  
23 lawyers for a lawsuit against Dollar General?

24 A: Yes.

25 Q: And can you tell me what you recall



1 about this transaction on December 11, 2023?

2 MR. MERINO: Objection to form. You  
3 mean 2022, counsel?

4 MR. TAYLOR: I thought I said 2022.  
5 Okay, sorry. Because I keep saying it and seeing  
6 it where it says 2023. Okay, try this again.

7 Q: Can you tell me what you recall about  
8 the December 11, 2022, transaction at the White  
9 Lake Dollar General?

10 A: I recall being overcharged by Dollar  
11 General.

12 Q: And do you recall when you went to the  
13 store on that particular date? What time of day?

14 A: Not off the top of my head. I can look  
15 at the receipt. That might be helpful, but --

16 Q: Yeah. Let me see if I can find it in  
17 here.

18 A: It's not with the other receipt.

19 Q: What we will do --

20 MR. TAYLOR: Let's mark these together.

21 COURT REPORTER: Exhibit 5.

22 (Exhibit 5 was marked for  
23 identification.)

24 MR. TAYLOR: Exhibit 5. Give that to  
25 you and that to you.

1 BY MR. TAYLOR:

2 Q: All right. I just handed you some  
3 pictures and a receipt and I wanted to ask some  
4 questions about these once you've had a chance to  
5 review them.

6 A: The black-and-white photos. These are  
7 different photos, right? Just in black-and-white?  
8 Or are they the same? There are some color and  
9 black-and-white photos.

10 Q: These are documents that were provided  
11 to us.

12 A: Okay, all right.

13 Q: And so I guess the first question I  
14 have --

15 A: Okay, yeah.

16 Q: Let me just ask you this. So do you  
17 recognize these documents?

18 A: Yes.

19 Q: And what are they?

20 A: They are photos.

21 Q: And did you take these photos?

22 A: Yes.

23 Q: So the December 11, 2022, a visit to the  
24 Dollar General in White Lake, New York, did you --  
25 were you there alone when you made these

1 purchases?

2 MR. MERINO: Objection to form. You can  
3 answer.

4 A: I believe so.

5 Q: And you will see on the photograph of  
6 the receipt that -- and maybe the best one is the  
7 one that says Wolf 09 it says it was paid for with  
8 a MasterCard with the last four digits 8142; do  
9 you see that?

10 A: Yeah.

11 Q: And do you have a MasterCard with the  
12 last four digits being 8142?

13 A: Can I check?

14 Q: Yeah. Don't show the camera.

15 A: Nope. Yeah, not that I'm aware of.

16 Q: Got it. And so it appears that -- it  
17 looks like that this receipt was for a transaction  
18 at 1:43 p.m. Do you see that at the bottom?

19 A: Yes.

20 Q: Is that consistent with your  
21 recollection of this visit to the Dollar General  
22 in White Lake on December 11, 2022?

23 A: It's not inconsistent, so yeah.

24 Q: And do you recall why you were  
25 purchasing vanilla yogurt and half-and-half?

1 MR. MERINO: Objection to form. You can  
2 answer.

3 A: Partially, yeah. For some items, but  
4 not the others.

5 Q: Tell me what you recall.

6 A: My daughter Penelope was 4. You can  
7 tell she's a big dairy lover. She loves her milk.  
8 She loves her yogurt, vanilla yogurt. The half-  
9 and-half, I don't remember why I was purchasing  
10 that.

11 Q: And so it's your recollection that you  
12 were buying the yogurt for Penelope?

13 A: Yes.

14 Q: Got it. And do you recall -- and so the  
15 photos of the shelf price tag here that are part  
16 of Exhibit 5, you made those photographs?

17 A: These photographs here that I'm looking  
18 at?

19 Q: Yes.

20 A: Yes.

21 Q: And do you recall whether you made them  
22 before or after you actually made the purchase?

23 A: I believe after.

24 Q: And do you recall whether or not you use  
25 it be self-checkout or you had an employee check

1       you out on December 11, 2022?

2           A:    I do not recall, unfortunately.

3           Q:    And do you recall whether you looked at  
4       the monitor on -- at the register, which we looked  
5       at in Exhibit 4, on December 11, 2022?

6           MR. MERINO:  I object to the form of the  
7       question.  You can answer.

8           A:    Yeah, I don't recall specifically.  You  
9       said that that photo was from 2023?

10          Q:    Yeah.

11          A:    So, yeah.

12          Q:    Well, let me ask you this.  I'm showing  
13       you the monitor just so you can be on the same  
14       wavelength in terms of what I'm talking about.  So  
15       my question is with regard to December 11, 2022,  
16       do you recall looking at any monitor at the  
17       register in the White Lake store that depicted the  
18       item and the price of item?

19          A:    Yeah, I don't remember specifically, no.

20          Q:    And am I correct in saying the half-and-  
21       half, that was the correct price?

22          A:    You know, I'm not sure.  Is there a  
23       photograph of the shelf price label?

24          Q:    While, so if you look at paragraph --

25          A:    I don't remember.

1 Q: E2 of Exhibit 3, it only mentions low-  
2 fat vanilla yogurt and not half-and-half.

3 A: Yeah, I suppose it's possible that was  
4 the correct price.

5 Q: Okay.

6 A: Yeah, okay.

7 Q: So do you recall after December 11, 2022,  
8 when you discovered that you had been overcharged  
9 for the yogurt?

10 A: At some point after the purchase.

11 Q: Do you recall whether it was the same day  
12 or a different day?

13 A: Yeah, I don't recall the exact timing.

14 Q: Do you recall having a conversation with  
15 your wife after you discovered this overcharged?

16 A: This December 11 one? I don't recall.

17 Q: Do you recall whether or not you  
18 contacted your attorney after this December 11,  
19 2022, overcharged?

20 A: I definitely was in contact with my  
21 attorney at some point after this. I don't  
22 remember if it was right after this or what. If  
23 that makes sense.

24 Q: So when you walked into the store on  
25 December 11, 2022, you were aware that there was a

1 possibility that there might be a price  
2 discrepancy? Would that be fair?

3 MR. MERINO: Object to form. You can  
4 answer.

5 A: I would say that again, I was just  
6 determined to be vigilant. If I discovered  
7 overcharges, you know, to document them, but I had  
8 no like expectation that I was going to be  
9 overcharged walking in there.

10 Q: So after this -- we already talked about  
11 December 4, 2022. Let me ask you this. After the  
12 September 18, 2022, and December 11, 2022  
13 transactions, did you ever bring these overcharges  
14 to the attention of a Dollar General employee at  
15 the White Lake store.

16 A: Say that again actually. Sorry, one more  
17 time.

18 Q: All right. The December -- sorry. After  
19 the September 18, 2022, and the December 11, 2022,  
20 transactions did you ever bring the overcharges  
21 that you allege you experience during those  
22 transactions to the attention of a Dollar General  
23 employee at the White Lake store?

24 A: Not that I can recall.

25 Q: And was there a particular reason why you

1 did not do that?

2 A: So I don't have specific recollection of  
3 that, but I can say having discovered these  
4 overcharges after I had purchased it and left --  
5 yeah, I guess I discovered them after I had  
6 already left. I will agree with that, yeah.

7 Q: Well, I mean you are a frequent shopper  
8 at the White Lake Dollar General, right?

9 A: Yes.

10 Q: So let me ask the question, is there a  
11 particular reason why you didn't raise this issue  
12 with the Dollar General employees at the White  
13 Lake store the next time you visited?

14 A: Yeah. I'll say this. I go there to buy  
15 necessities, groceries for my children generally,  
16 and, you know, other things. That's my purpose  
17 going there. Yeah, I guess I don't have a  
18 particular reason that I can name, a reason for  
19 not doing something. These questions and like a  
20 negative are hard for me to answer, but yeah, I  
21 don't have a particular reason in mind for not  
22 doing something. I can just -- I know what I did.  
23 Yeah.

24 Q: Did the price discrepancies that you  
25 suffered or experienced at the Dollar General



1 White Lake store on September 4, September 18, and  
2 December 11, 2022, not matter to you?

3 MR. MERINO: Objection to form. You can  
4 answer.

5 A: They do matter.

6 Q: And so that's what I'm trying to  
7 understand, is that they mattered, why did you not  
8 raise them with Dollar General.

9 MR. MERINO: Object to form. You can  
10 answer.

11 A: Yeah, it matters, so I sought legal  
12 counsel. That's the decision I made.

13 Q: So the decision you made was instead of  
14 going back to Dollar General and asking for a  
15 refund, you decided to file a lawsuit?

16 A: It's not a binary. You are framing it as  
17 a binary and I don't appreciate your  
18 characterization of that. It wasn't I said this I  
19 will do this. That's -- I was overcharged and I  
20 decided to seek legal counsel on this. I'm not  
21 even sure at the time that I even knew what could  
22 happen if I spoke with anyone about it.

23 Yeah, I don't think it's a binary in the  
24 way that you're trying to say it either or. If I  
25 did this I wasn't consciously doing something

1       instead of not doing something else. I don't  
2       remember at the time if that was even a thing I  
3       thought I could do. If that makes sense, yeah.

4             Q: You could have done both, right?

5             MR. MERINO: Object to form. You can  
6       answer.

7             A: Yeah, I could have done a lot of things.  
8       Your question was why. And that's what I'm having  
9       trouble answering, but okay.

10            Q: Well, you just said that's not a binary.

11            A: Yeah.

12            Q: So I mean, was there anything preventing  
13       you from going to the Dollar General in White Lake  
14       and saying, hey, you overcharged me, can I get a  
15       refund, or maybe you should change the price  
16       label, maybe you should do something about that?  
17       Was there anything preventing you from doing that?

18            A: Yeah, I find -- you are asking me -- I  
19       mean, certainly time is a -- you're asking me if  
20       I -- sure, these are like extra affirmative steps  
21       you are asking me to take to ensure that Dollar  
22       General has accurate pricing on multitude of  
23       products that they sell. Yeah, those are like --  
24       yeah, absolutely. You know, these are things that  
25       were -- that these are -- let me rephrase that.

1 I don't remember all the specifics about  
2 what I was doing on all the specific dates. But  
3 yes, that would have taken time. And I don't  
4 remember whether I had it or not or how I chose to  
5 spend my time or on what. I don't remember  
6 anything that was going on at this time. But  
7 yeah, there is --

8 Q: Is it your testimony that you didn't want  
9 to take the time to raise these issues with the  
10 Dollar General White Lake store after they  
11 occurred?

12 A: So is not that I don't --

13 MR. MERINO: I'll object to form. You  
14 can answer.

15 A: Yeah. I will say you asked me something  
16 prevented me from doing it. I think time is an  
17 obstacle for sure. I don't want to say that's why  
18 I didn't do it. I sought legal counsel and  
19 that's -- that was the action I took after the  
20 overcharged, yeah.

21 COURT REPORTER: Counsel, I'm sorry to  
22 interrupt. But can I get you to move a little to  
23 the right?

24 THE WITNESS: I'm sorry. Sorry. Yeah.

25 COURT REPORTER: Thank you very much,

1 Mr. Wolf.

2 THE WITNESS: Yeah.

3 A: I mean, I can also say I don't -- again  
4 we are speculating here, but I don't -- I don't --  
5 I can't say I know what would have happened if I  
6 went in down the line and did as what you are  
7 saying and try to talk to someone in the store and  
8 ask them to adjust their pricing across all these  
9 various products that have been overcharged, you  
10 know? The yeah, sorry. I know I'm -- yeah.

11 Q: So you don't know how much time it would  
12 have taken you to get a refund or get some type of  
13 resolution of these matters if you had raised them  
14 with the Dollar General store at White Lake after  
15 one of these transactions you had?

16 A: I guess my --

17 MR. MERINO: Object to form. You can  
18 answer.

19 A: I guess my only point is it would have  
20 taken time, right? You run into these Dollar  
21 General stores, again, there is one, maybe two  
22 employees. There are other people checking out.  
23 You're asking me to just -- there are -- to  
24 speculate. I don't remember all the exact  
25 circumstances of this. But what I -- you know,

1     you asked me why didn't I potentially wait in line  
2     and then go -- so I don't remember everything that  
3     was going on to be able to speculate why I didn't  
4     like talk to someone. That's why I'm having a  
5     hard time with this.

6             Q: But you felt that you had --

7             A: I'm sure it would have taken time.  
8     That's what I can say.

9             Q: But it also took time for you to take  
10    photographs of the shelf label and of the receipt  
11    and to contact legal counsel, right?

12            MR. MERINO: I will object to form. You  
13    can answer.

14            A: Yeah, not really. The photographs, I  
15    snap either on the way in or on the way -- you  
16    know, snap before on or after, just on the way  
17    out. That timing is completely in my control.  
18    You know, waiting in a line to potentially talk to  
19    someone to maybe or maybe not -- you know, where I  
20    don't know what's going to happen, I don't know  
21    how much time that would have taken. So no, those  
22    are not equivalent, me snapping a photo versus  
23    other sorts of things you're mentioning.

24            Q: After these transactions, did you give  
25    any thought to other consumers who might come

1 after you and might suffer a price overcharged of  
2 the same items in the White Lake store?

3 MR. MERINO: Object to form. You can  
4 answer.

5 A: Yeah. I mean, I can say in general, I  
6 would like Dollar General to have accurate pricing  
7 and not overcharge customers at people's expense.  
8 I don't remember the specifics of what mine  
9 thoughts were after each of these individual  
10 purchases.

11 Q: Did it matter to you that other consumers  
12 might come along behind you and be charged an  
13 overcharge for the same items that you purchased  
14 at the White Lake store?

15 MR. MERINO: Objection, asked and  
16 answered. You can answer.

17 A: Yeah. Again, I don't know. I don't know  
18 that I was thinking about that in the way you are  
19 framing it as much as I just like Dollar General  
20 to have accurate pricing and not overcharge people  
21 such as myself.

22 Q: Yeah. You had raised the issue of the  
23 particular products for which you were overcharged  
24 to the Dollar General store. Would you agree that  
25 you could have potentially prevented other

1 consumers from being overcharged --

2 MR. MERINO: Object to the form. You  
3 can answer.

4 Q: By bringing it to the attention of Dollar  
5 General?

6 MR. MERINO: Object to the form. You  
7 can answer.

8 A: Not necessarily, no.

9 Q: And I guess my question is, did you think  
10 about those consumers at all when you made that  
11 determination not to raise this issue to the  
12 Dollar General White Lake store?

13 MR. MERINO: All object to the form. It  
14 mischaracterizes testimony. You can answer.

15 MR. TAYLOR: He can correct me if I'm  
16 wrong, yeah.

17 A: Yeah. So I always want Dollar General to  
18 charge everyone accurate prices. Myself, everyone  
19 else has been overcharged. Is there something  
20 unclear about what I'm saying there?

21 Q: Let me ask it this way.

22 A: I just -- yeah.

23 Q: So you understand that you're  
24 representing a potential class of individuals,  
25 right?

1           A:    Yeah.

2           Q:    What would you say to a consumer who, at  
3           the White Lakes store, maybe the day after you  
4           purchased the lactose free milk, maybe two days  
5           after, and they said well, I was overcharged 10  
6           cents for that. And if you just simply notify  
7           Dollar General then they would have potentially  
8           fixed it and I wouldn't have been overcharged.  
9           How is it that you can represent me in this  
10          lawsuit when you refused to even bring it to  
11          Dollar General's attention? What would you say to  
12          that?

13               MR. MERINO: I'll object to the form of  
14          that question. You can answer.

15          A:    So look. I represent -- I was  
16          overcharged by Dollar General on several  
17          occasions. I represent everyone who has been  
18          overcharged at a Dollar General in New York State.  
19          My situation is not unique. I don't think that  
20          there is anything there that disqualifies me from  
21          representing folks. My situation is absolutely  
22          not unique to myself.

23          Q:    I'm not sure that answers my question  
24          exactly. So is your testimony that you do feel  
25          that you can adequately represent someone who may



1 have been overcharged on the same items you  
2 purchased even though you didn't raise the issue  
3 to Dollar General store lately?

4 MR. MERINO: Object to the form. You  
5 can answer.

6 A: Yeah. I feel like I can adequately  
7 represent anyone who has been overcharged at a  
8 Dollar General in New York State.

9 Q: And do you feel like you should have  
10 done more to let Dollar General know about these  
11 but in real time so that the overcharge could have  
12 been fixed and not linger for a longer period of  
13 time?

14 MR. MERINO: Object to the form. You  
15 can answer.

16 A: I think I did the best that I could.

17 Q: And why do you say, the best that you  
18 could? What do you mean by that?

19 A: I mean, what I did was -- yeah, you're  
20 asking me to go back and second guess myself and  
21 would you this and was this the right -- look. I  
22 was overcharged by Dollar General. I care about  
23 it and I made the best decisions that I could to  
24 try to, you know, ensure that Dollar General has  
25 accurate pricing for everyone. Absolutely.

1           Q:    But couldn't you have ensured that they  
2           had accurate pricing by bringing it to Dollar  
3           General's attention?

4                   MR. MERINO:  Objection to form.  You can  
5           answer.

6           A:    Yeah, you're asking me to make a whole  
7           bunch of, like, assumptions about, you know, my --  
8           what I could have done and what my actions would  
9           have led to.  I do know that Dollar General has  
10          been aware, right.  Even before December 11th this  
11          overcharge, there was a lawsuit filed, right,  
12          about overcharges, right.  You know, my lawsuit in  
13          particular, I know I'm aware of others.  Right.

14                   So Dollar General's aware of overcharges  
15          yet they seem to do nothing.  They seem to  
16          continually overcharge.  So if filing a lawsuit is  
17          not stopping Dollar General from overcharging  
18          people, and you're asking me to state that, you  
19          know, me speaking to an employee somewhere in one  
20          Dollar General store would have changed all of  
21          Dollar General's overcharging for everyone else?  
22          I don't know.  I can't answer that.

23          Q:    In hindsight, do you wish now that you  
24          had raised the issue at the dollar general White  
25          Plains store soon after you discovered the

1 overcharges at the three -- with regard to the  
2 three transactions that comprise the basis for  
3 this lawsuit?

4 MR. MERINO: Object to form. You can  
5 answer. And if we can get a break when you're  
6 done answering the question?

7 MR. TAYLOR: Yeah. Sure.

8 BY MR. TAYLOR:

9 A: Yeah. So okay. You're asking me, like,  
10 do I wish I and. This is assuming I had the  
11 opportunity, had the time, I don't know. This is  
12 a hard question for me to answer.

13 Q: All right. Well do the best you can.

14 A: I'm sorry?

15 Q: Can you do the best you can?

16 A: Yeah. So you're asking me to second-  
17 guess myself.

18 Q: No.

19 A: In asking if Dollar General had accurate  
20 prices for the products that they charge people.  
21 This is --

22 Q: I'm asking in hindsight do you now wish  
23 that you had raised it. Yes, no, maybe, I don't  
24 know.

25 A: I don't know I guess I'll say.

1           Q:    Now, I think you just said something  
2           about assuming I had the opportunity to raise this  
3           with Dollar General. Is it your contention that  
4           you didn't have the opportunity to raise it with  
5           Dollar General?

6           A:    As I said before, I don't know the  
7           specifics of all the -- I don't have the specifics  
8           of every time I visited. But really, like, you  
9           say to raise something with someone it requires  
10          you to talk to an employee. Frequently there are  
11          1 to 2 employees at a Dollar General store. They  
12          are often doing things. They are busy. You have  
13          to wait in line.

14                So, like, you know, there is -- I had  
15          literally an opportunity, just like an  
16          opportunity, you know, because to reference so  
17          yeah, that's what I mean by opportunity. Just  
18          because I visit a store doesn't mean I always view  
19          it as I myself having a good opportunity to do so.

20          Q:    Have you ever tried to raise any type of  
21          customer service issue with a Dollar General  
22          employee at the White Plains store?

23          A:    Yes.

24          Q:    Tell me about that.

25          A:    So sometime after September 4th I

1 remember being overcharged for an item. And I  
2 asked an employee about it. I don't remember all  
3 the specifics but I remember the employee  
4 investigating the overcharge. It took some time,  
5 and then the employee correcting the price.

6 Q: And you don't remember what the item  
7 was?

8 A: Unfortunately, no.

9 Q: And had you already paid for?

10 A: No.

11 Q: Okay. How did you know that there was  
12 an overcharge for it?

13 A: I don't remember specifically. So I  
14 would have asked the employee to investigate. You  
15 know, I imagine we would have had to go and take  
16 the time to look at the shelf and all that to  
17 figure it out. But somehow it was figured out. I  
18 do remember it being, and you know just -- that  
19 wait time and having to go through all of that  
20 just to make sure I'm being charged an accurate  
21 price. That felt tedious and burdensome to me.  
22 But that's all I really remember about that.

23 Q: Did you actually buy the item?

24 A: After it was corrected, yes. Yeah.

25 Q: And do you recall how long it took for

1 this issue to be -- for the price to be changed?

2 A: I don't recall exactly.

3 Q: Are we talking two minutes? Are we  
4 talking 10?

5 A: I mean at least as long to, you know, go  
6 on to the shelf, come back, do whatever needs to  
7 be done in the computer. Not an insignificant  
8 amount of time but I really can't quantify it. I  
9 really don't remember the specifics.

10 Q: And you said this was before the  
11 December 11th transaction, right?

12 A: So sorry if I miscommunicated our  
13 misspoke. It was somewhere after September 4th,  
14 but I don't remember at what point afterwards.  
15 I'm not sure if it was before or after December,  
16 but I think yeah.

17 Q: And I guess -- here's really what my  
18 question is. Why didn't you raise it in that  
19 particular visit but you didn't raise it any other  
20 visits?

21 A: Yeah. In other visits I didn't notice  
22 that I had been overcharged until I left. And  
23 compared the receipt and it was --

24 Q: So you raised it that that one time and  
25 that's the first page and it actually worked.

1 They changed it. And so after that you were aware  
2 that if you did raise the issue then Dollar  
3 General would correct it and give you the correct  
4 price, right?

5 MR. MERINO: Objection to form. You can  
6 answer.

7 A: So you're saying words, if by worked you  
8 mean taking extra time to ensure that Dollar  
9 General accurately charges customers, yes, it  
10 worked in that case. I was aware that in the  
11 future if I realized that there was an overcharge  
12 in the store that that option to take time to, you  
13 know, try to settle something with an employee  
14 that that could be an option.

15 Q: Is there a particular -- do you call  
16 what the difference in the price was at the time  
17 you raised it?

18 A: I'm sorry, I don't.

19 Q: Was one of the factors why you didn't  
20 raise the September 4 transaction with the White  
21 Lake Dollar General store because it was only a  
22 dime difference?

23 MR. MERINO: Objection to form.

24 Q: In other words, did the amount of the  
25 price difference matter in terms of weighing

1 whether to spend the time to get it corrected?

2 A: No.

3 MR. MERINO: And I'll ask for a break  
4 now again.

5 MR. TAYLOR: Okay. Yeah. Go ahead.

6 THE WITNESS: Okay.

7 (Off the record at 2:18 p.m., resuming  
8 at 2:26 p.m.)

9 BY MR. TAYLOR:

10 Q: All right, Mr. Wolfe. Have you ever  
11 experienced price discrepancies and any other  
12 retailer? That you can recall.

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: Not that I recall.

16 Q: Do you have any awareness that other  
17 retailers have had issues with price discrepancies  
18 at any point?

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: No awareness.

22 Q: Now, after the three incidents that we  
23 have discussed and before the September 18 and  
24 December 11, 2022 you have continued to shop at  
25 Dollar General after those incidents, correct?



1           A:    Yes.

2           Q:    And why is it that you have continued to  
3 go to Dollar General?

4           A:    I typically buy necessities for my  
5 family, particularly my kids as we talk about  
6 today Dollar General is the closest place where  
7 for me to buy all those things I need, the  
8 closest, you know, has, what you might call, like  
9 a supermarket, you know kind of thing. Where I  
10 can get that stuff.

11          Q:    You know sometimes when plaintiffs filed  
12 suit against someone they will say like I'm never  
13 going to go to there again and is the reason why  
14 you have continued to use, as your testimony that  
15 was really for convenience?

16               MR. MERINO:  Object to form.  You can  
17 answer.

18          A:    So in order when I'm getting the closest  
19 other supermarket is about I would say a 15 to 20  
20 minute drive.  So we're talking 40 minutes round  
21 trip.  You know, a few minutes there, we're  
22 talking like an hour.  Now I'm spending, if I need  
23 to -- if my kid needs some milk.  So I wouldn't  
24 say convenience.  I would say necessity.  And by  
25 necessity were defined in that as, like, I need to

1 get some food to my kids soon.

2 Q: So your testimony is the reason you  
3 continue to shop at Dollar General is out of  
4 necessity?

5 A: Yeah. I shop there because when you're  
6 trying to get things like food and necessities to  
7 your kids it is the closest place that I can go  
8 to. It's two minutes down the road. Otherwise  
9 I'm spending an hour in the car ride. And I need  
10 to, you know, I need to yeah I'll leave it at  
11 that.

12 Q: So when you shop at Dollar General after  
13 these incidents that we've talked about do you  
14 continue to pay close attention to the shelf price  
15 and the register price?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: Yeah, you're saying after December 11th?

19 Q: Yeah.

20 A: I would say I've -- when I could, right,  
21 I was vigilant about reporting any overcharges.  
22 These are all the -- like the overcharges in this  
23 suit are the only ones I'm aware of right now. I  
24 don't know that I always -- I'm always able to  
25 maintain, you know, the same level of -- you know,

1 we shop at Dollar General frequently. I'm not --  
2 price checking, you know. I'm not verifying  
3 prices every purchase. That would be a ridiculous  
4 a burden for me to have to do. So no, I cannot do  
5 that for every purchase.

6 Q: Okay. Is there -- I mean, do you look  
7 at the monitor at the register, after the December  
8 11, 2022 transaction subsequent transactions at  
9 the White Lakes store have you looked at the  
10 monitor as you are checking out to see what the  
11 price you're being charged is?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: Yeah. I don't believe since and then I  
15 have, like, verified prices after that.

16 Q: And is there -- yeah. So you've  
17 experienced price discrepancies on at least three  
18 occasions after those three occasions have you  
19 changed how you shop at Dollar General at all?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: Yeah. So the way I shop at Dollar  
23 General is typically I go in there for just  
24 groceries I need in that moment. My kid needs  
25 milk. My kid needs yogurt. I'm going in there

1 getting what it is and, you know, leaving and  
2 getting my stuff home. That's always my concern.  
3 That's like -- that's what I do when I go to  
4 Dollar General. So they changed my practices.  
5 When I could, like I said on some occasions I  
6 was -- I tried to document things to see if I  
7 wasn't being charged accurate prices. But no, I  
8 cannot do that indefinitely. I think Dollar  
9 General should be the one that has accurate prices  
10 and doesn't require consumers to consistently, I  
11 don't know, take some kind of action to ensure  
12 that they are charging customers a fair price.

13 Q: He said when I could. What do you mean  
14 by when I could? Is there something preventing  
15 you from, you know, checking to see whether or not  
16 you've been overcharged?

17 A: Again, taking photographs the shelf  
18 prices. This is time. Then again, I am not -- I  
19 shop at Dollar General frequently. It's a huge  
20 burden to have that kind of responsibility to take  
21 photographs of things and compare prices every  
22 single visit for years. Right? Our indefinitely  
23 into the future.

24 Q: I thought you told me that it was not a  
25 huge burden time wise to take photographs, just to

1 go in and out and snap a photo.

2 A: In any one instance of -- in any  
3 singular instance now. But if I'm doing this  
4 forever, if you're asking me, like, my  
5 responsibility as a consumer at Dollar General is  
6 to correct their prices, or sorry, verifying  
7 prices, like forever every time I shop there, yes,  
8 that's huge. So it's a matter of degree and how,  
9 you know, things kind of add up. Right. Yes, I  
10 can snap, you know, when I can, when I'm feeling  
11 okay, I can snap some photos to be able to verify  
12 to see whether I'm being charged accurately or  
13 not. But you know doing that for ever just to try  
14 to make sure Dollar General is, like doing its  
15 legal responsibility to charge people accurate  
16 prices? That is a burden on the consumer. A big  
17 burden, in my opinion.

18 Q: When was the last time you took a  
19 photograph of the shelf label at a Dollar General  
20 that you can recall?

21 A: I don't recall specifically. Can I  
22 check they -- all my photographs are in here, can  
23 I check the --

24 Q: No, I'm asking off the top of your head.

25 A: Off of the top of my head --

1 Q: We'll get to that report.

2 A: Okay. So you said took a photograph of  
3 a shelf label with any purpose or just is your  
4 purpose specifically for, like, pricing for  
5 overcharges?

6 Q: Well, for any purpose.

7 A: So I don't recall specifically. I do  
8 take pictures of shelf labels and products other  
9 than, you know, verifying, you know, trying to see  
10 if I'm being charged accurate prices. So that's  
11 not the only reason I might take a picture of a  
12 product on a shelf, if that makes sense.

13 Q: All right. I'm not sure I'm  
14 understanding you.

15 A: So being able to verify whether I'm  
16 being charged accurate -- being charged and  
17 accurate price at Dollar General is not the only  
18 reason I might take a picture of something --  
19 sorry, I picture of something I see in the store.

20 Q: What's another reason?

21 A: I think a product looks funny. I don't  
22 know. Whatever. I -- if you want something, I  
23 don't know. There's all kinds of reasons why.  
24 Comparison shopping. There's a lot of reasons  
25 why.

1           Q:    Do you recall the last time you took a  
2 photo for any reason of a shelf label at a Dollar  
3 General store?

4           A:    I don't recall what the specific last  
5 photo was that I took.

6           Q:    So let's move to paragraph 25 of Exhibit  
7 3. It says, it is defendant's policy and practice  
8 to charge a higher price at the register for  
9 merchandise than the price advertised in the unit  
10 price labels for the same merchandise on the  
11 shelves in the Defendant's New York stores. Do  
12 you see that?

13          A:    Yes.

14          Q:    What information, if any, do you have  
15 that it was Dollar General's policy and practice  
16 to charge a higher price?

17          A:    This is my experience.

18          Q:    What do you mean, experience?

19          A:    I've been overcharged multiple times by  
20 Dollar General.

21          Q:    Three times, right?

22          A:    Yet in the space of a few months.

23          Q:    Do you have any sense about whether the  
24 Dollar General was doing -- it could have been a  
25 mistake as opposed to a policy or practice?

1 MR. MERINO: Objection to the -- excuse  
2 me. Object to the form. You can answer.

3 A: Yeah, I don't want to speculate on the  
4 internal -- I can't speculate right now.

5 Q: Okay. Well, I mean, look, there's an  
6 allegation here that Dollar General was doing this  
7 on purpose, and I'm asking you whether you have  
8 any information that supports that as opposed to  
9 it being merely a mistake on Dollar General's  
10 part.

11 A: Yeah, I know they've been audited. I  
12 mean,

13 Q: Let me finish so we can get that on the  
14 record.

15 A: Sorry.

16 Q: Let me get that on the record.

17 A: Okay.

18 Q: As opposed to being a mistake on Dollar  
19 General's part. Go ahead.

20 MR. MERINO: I'll object to the form. I  
21 think it mischaracterizes that you can answer.

22 MR. TAYLOR: I mean, we can read, and I  
23 think I did just read it. And I'll read it again  
24 so we are clear. Paragraph 25 of the complaint  
25 says, it is Defendant's policy and practice to



1 charge a higher price at the register for  
2 merchandise than the price advertised on the unit  
3 price label for the same merchandise on the  
4 shelves in Defendant's New York stores. So I  
5 mean, that's the allegation.

6 Q: And my question is, do you have any  
7 information supporting that it is Dollar General's  
8 policy and practice as opposed to it merely being  
9 a mistake on Dollar General's part?

10 A: Will practice -- it's their practice.  
11 It happens. Okay. That's simple enough to  
12 answer. It happens a lot, apparently. Policy, I  
13 mean I'm aware that New York State has audited  
14 Dollar General on overcharges. And typically,  
15 those audits have turned up, you know, maybe more  
16 overcharges than would be acceptable. And if  
17 Dollar General is being audited on overcharges  
18 this is something they know about. So in my mind  
19 if they know that they are overcharging and they  
20 keep doing it, taking money from consumers, it  
21 could be a policy, yeah.

22 Q: Let me ask you this. You work as a  
23 teacher at a school, right?

24 A: Yes.

25 Q: Do you ever make mistakes in your job?

1 MR. MERINO: Object to form.

2 A: Yeah.

3 Q: Would you agree that mistakes happen in  
4 the course of people's jobs on occasion?

5 MR. MERINO: Object to the form. You  
6 can answer.

7 A: In different capacities and situations,  
8 yeah.

9 Q: And when you made a mistake in the past  
10 in your job you appreciate it if someone brings it  
11 to your attention, right?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: Yeah. I feel like were equating  
15 different things here. If I make a mistake, yes,  
16 I would like to know.

17 Q: And when it's brought to your attention  
18 I'm assuming that you took action to resolve the  
19 mistake in some way; would that be accurate?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: You're asking me if every that's sorry,  
23 can you repeat the question? Is it something  
24 specific you talking about, generally?

25 Q: No, I'm asking -- you testified that you

1 sometimes make mistakes in your job, and we all  
2 have. You know when someone brings it to your  
3 attention do you -- would you take steps to  
4 address the state?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: Yeah. Depends if I think it was a  
8 mistake. I mean you know if it was something that  
9 I think -- right, people can disagree about what a  
10 mistake is. But sure. If I agree that something  
11 is a mistake I would address it.

12 Q: Do you know how many different products  
13 are sold in a Dollar General store?

14 A: I can't tell you off the top of my head.

15 Q: Approximately 15,000.

16 MR. MERINO: Objection. You're  
17 testifying on the record.

18 Q: I'll represent that it's approximately  
19 15,000. And I guess my question is this. Given  
20 that there are thousands of products in a Dollar  
21 General store is that your expectation that every  
22 single one of those products will have the 100  
23 percent correct price 100 percent of the time?

24 MR. MERINO: Object to form. You can  
25 answer.

1           A:    Yeah.  Just give me a second because I  
2           just want to take a look at something here.

3           Q:    Let me know when you're ready.

4           A:    So I'll say this.  You know, the  
5           purchases I made in September that I would not be  
6           overcharged 66 percent of the time.  Right.  
7           December 11 visit, a 25 percent overcharge.  This  
8           is -- that is what my expectation is.  Yes, Dollar  
9           General has a lot of products.  That being, a heck  
10          of a lot of them must be mislabeled, have with  
11          accurate pricing to be overcharging these rates.

12          Q:    What rates?

13          A:    66 percent overcharge rate for me in  
14          September 2023.  That's in the complaint.  A 25  
15          percent overcharge December 11.  The audience show  
16          23 percent overcharge, 32 percent overcharge, 30  
17          percent overcharge, 78 percent overcharge.

18          Q:    What are those from?

19          A:    I believe these are audits done by the  
20          Weights and Measures Department.

21          Q:    Do you know if that was the White Lakes  
22          store?

23          A:    I cannot say off the -- yeah.  I don't  
24          know.  I know these were Dollar General stores in  
25          New York state is all I know.

1 Q: Would you agree that with that many  
2 products in a Dollar General store that it would  
3 be difficult to not make an occasional mistake in  
4 terms of the price?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: Yeah, I don't know the answer to that.

8 Q: Are you alleging that every product in a  
9 Dollar General store has the wrong price?

10 MR. MERINO: Object to form. You can  
11 answer.

12 A: I'm alleging that I was overcharged for  
13 the products that I -- that are listed in this  
14 complaint. This is what I --

15 Q: That's not my question.

16 A: That's all I'm alleging.

17 Q: Mr. Wolf, that's not what I'm asking.  
18 I'm asking, are you alleging that every product in  
19 a Dollar General store has the wrong price?

20 A: So this feels like a ridiculous  
21 question. I'm sorry to --

22 Q: Well, then surely you want to answer.

23 A: I haven't -- yeah. So I haven't -- I'm  
24 not able to answer that because I haven't checked  
25 every single product in a Dollar General store so

1 I don't know what all of Dollar General's, you  
2 know, prices are and whether they're all accurate.

3 Q: Well, you haven't been -- every product  
4 that you have purchased has not had the wrong  
5 price, has it?

6 A: As far as I'm aware, these are the only  
7 overcharges that I experienced.

8 Q: Am I correct in assuming --

9 A: Yeah, I can't say definitively none of  
10 the other ones were overcharged. But from my  
11 recollection these are the only ones that I was  
12 overcharged on.

13 Q: And so, like I say it's --

14 A: Yeah.

15 Q: I just want to know, are you alleging  
16 that every single product in the Dollar General  
17 Store is overpriced? Yes, no, I don't know.

18 A: Yeah. I can't answer that. I haven't  
19 purchased every product at a Dollar General store  
20 to be able to answer that. I guess that's why I  
21 feel it's slightly ridiculous. I'm sorry to -- I  
22 don't mean to --

23 Q: Well --

24 A: -- throw, you know.

25 Q: Yeah, I mean, you can --

1 A: -- words out like that. But --

2 Q: -- call it ridiculous.

3 A: Yeah.

4 Q: I mean, you know, I may have an opinion  
5 that your answer is ridiculous.

6 A: Yeah.

7 Q: But you know, that is what it is.

8 A: Yeah.

9 Q: And --

10 A: Yeah. I haven't purchased every product  
11 at a Dollar General store so I don't know the  
12 answer to that.

13 Q: But you have purchased products that did  
14 have the correct price; is that accurate? Dollar  
15 General stores?

16 A: Again, I only -- in this things are the  
17 ones that I am aware that were incorrectly priced.  
18 I cannot go testify that all the other ones were  
19 correctly priced. I -- the best information I  
20 have, I know it's at least these discrepancies.  
21 It's possible there could have been more. But  
22 this is -- this is what I noticed.

23 Q: Is it your testimony that you don't know  
24 whether any of the products that you have  
25 purchased at a Dollar General store over the last

1 three years is accurate and was not a price  
2 discrepancy?

3 MR. MERINO: Object to form. An object  
4 to mischaracterizing testimony.

5 MR. TAYLOR: I'm not trying to  
6 mischaracterize testimony. I'm just trying to get  
7 an answer.

8 A: Off the top of my head right now, I  
9 cannot verify all the purchases right now that I  
10 made at Dollar General.

11 Q: Can you verify that any of the  
12 purchases, or any of the products that you have  
13 purchased at eight Dollar General over the last  
14 three years did not have a price discrepancy?

15 A: With my recollection of events and  
16 information in front of me I cannot. Yeah, I  
17 can't verify whether all these other products were  
18 correctly priced or not. I'm just -- I can't.

19 MR. TAYLOR: All right. We're going to  
20 market Exhibit 6.

21 (Exhibit 6 was marked for  
22 identification.)

23 Q: All right. I'm handing you Exhibit 6.  
24 Does this look familiar at all?

25 A: Give me a second to look over it.



1 Yes.

2 Q: Okay. And what is this?

3 A: These are photographs.

4 Q: Okay. And these are photographs that  
5 you took of shelf labels in a Dollar General?

6 A: Yes.

7 Q: And particular to the White Lake, New  
8 York store?

9 A: Yes.

10 Q: And you see that the second page is of  
11 Eggo buttermilk waffles, correct?

12 A: Yes.

13 Q: And you see the shelf labels says 3.25,  
14 right?

15 A: Yes.

16 Q: And you see on the third page of this  
17 and receipt that shows you were charged 3.25 --

18 A: Yes.

19 Q: -- for the Eggo buttermilk waffles,  
20 right?

21 A: Yeah.

22 Q: So you agree with me that that  
23 transaction was correctly priced?

24 A: Yes.

25 Q: Okay.

1 A: Yeah.

2 Q: So let me ask --

3 (Crosstalk)

4 Q: So is it your contention that every  
5 product at a Dollar General that you have  
6 purchased over the last three years was  
7 incorrectly priced?

8 A: I am not contending that every product  
9 was incorrectly priced.

10 Q: Okay. Going to paragraph 64 in the  
11 complaint, it says that you have suffered --  
12 Plaintiffs and other members of the class suffered  
13 and continue to suffer injuries. Do you see that?

14 A: Yeah.

15 Q: All right. What are the injuries that  
16 you have suffered?

17 A: Overcharges.

18 Q: And in what amounts total?

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: I guess yeah -- so I don't want to -- we  
22 can, like, tell me more about the question. So I  
23 don't -- I can tell you much the overcharges were  
24 in each one of these cases if that's all you're  
25 asking. In the receipts, in the evidence here.

1 It's hard for me to -- I guess to quantify what  
2 the total was -- were these injuries. Is that  
3 something like a number, like quantify is that  
4 something, I don't know, I would need to talk to  
5 my attorneys about? Does that make sense?

6 Q: Well, is that --

7 A: Or are you asking me, just, like what  
8 were the overcharges on all of these receipts?

9 Q: I'm asking you what are the -- I mean  
10 this is your complaint. What injuries are you  
11 seeking here for yourself?

12 A: Yeah, I would have to talk to my  
13 attorneys for that.

14 Q: Am I correct in saying that the amount  
15 of money that you are out of pocket for the  
16 transactions at issue is 45 cents?

17 A: I would have to go through this and do  
18 an --

19 Q: Okay.

20 A: Are the receipts accessible in an easy  
21 place? I know that our bike all around, but I  
22 don't want to take --

23 Q: I will direct you to paragraph 14 and 22  
24 in the complaint.

25 A: Yeah. Right here. Yeah. But I guess I

1 don't remember how much, was it 1 -- sorry. I  
2 bought one each of these at 20. Okay.

3 Yeah, so in these instances 45 percent  
4 is the overcharge amount. That being said in all  
5 the times before this when I was not checking, you  
6 know, documenting things to be able to verify that  
7 Dollar General is charging accurate prices, you  
8 know, I don't know how much I overpaid at Dollar  
9 General, in general before, or even cents when I'm  
10 not always able to document prices there to verify  
11 later if I was charged accurately or not. This is  
12 the over charge, at least everything I observed.  
13 I suspect I have been overpaying for many years.  
14 That's just -- yeah.

15 Q: And sorry, just to be clear because you  
16 said 45 percent.

17 A: Sorry 45 cents.

18 Q: 45 cents is what you were out of pocket  
19 that you are aware of from the overcharges that  
20 constitute the transactions that form the basis of  
21 this lawsuit?

22 A: Yeah, 45 cents they sell thousands of  
23 whatever, times however many -- how much is Dollar  
24 General making on this? How many people buy these  
25 things, you know, however many milks they sell --

1 Q: You're saying --

2 A: -- times what ever. Yeah in this  
3 particular case, I'm aware of these overcharges  
4 here. Certainly Dollar General is not just  
5 overcharging 45 cents though.

6 Q: I'm asking what you're seeking.

7 A: Yeah. No. So what I'm seeking I'd have  
8 to consult my lawyers to determine, you know, to  
9 determine I guess the specific resolution to this

10 Q: And I am asking what you were out of  
11 pocket. And you said times all the other  
12 transactions. Are you --

13 A: So sorry. I was referring to like the  
14 amount of money that Dollar General makes by  
15 overcharging, not just me, but others. Yeah, me  
16 personally, my experience, these are the  
17 overcharges that I'm aware of. It's 45 cents in  
18 the news, and I suspect there have been others  
19 before and since. I'm not able to -- I'm not  
20 always -- I haven't been able to document them  
21 though.

22 Q: You haven't been able to or you chose  
23 not to document?

24 A: These are all the ones that I'm aware of  
25 before September 4, 2022. Again, I generally

1 trust that stores have accurate pricing. So given  
2 that once I started looking, overcharges just  
3 were, you know, coming up. My guess is this did  
4 not start September 4, 2022. What a coincidence  
5 that would have been. My guess is I've been  
6 overcharged for years.

7 And in fact, I think this complaint and  
8 it goes, covers, like class members three years  
9 before I filed. So yeah. This is what I'm aware  
10 of in the months where I was -- where I was  
11 documenting, you know, shelf prices and receipts  
12 to be able to verify prices. Yeah.

13 Q: Are you seeking anything else out of  
14 pocket other than that you were out of pocket  
15 other than the 45 cents?

16 A: I have --

17 MR. MERINO: Object to form. You can  
18 answer.

19 A: I'd have to defer to my attorneys on  
20 that.

21 Q: Okay. Well, I'm asking you sitting here  
22 today whether you can think of any other expenses  
23 that you are out of pocket other than the 45  
24 cents?

25 A: Again, I'd have to -- have to defer to

1 my attorneys on that.

2 Q: Well, and I'm asking you -- I really  
3 would like you to answer that question without  
4 deferring to your attorneys because I'm asking you  
5 whether or not There's any expenses as you're  
6 sitting here right now that you're aware of that  
7 you have incurred as a result of these overcharges  
8 at a Dollar General other than the 45 cents that  
9 we discussed?

10 A: Can you restate that one more time?

11 MR. TAYLOR: Can you replay that?

12 (The requested audio portion as  
13 replayed.)

14 A: And expenses would be, like, financial  
15 right? That's all we're talking about here?  
16 Expenses?

17 Q: Is there another definition of expenses?

18 A: Possibly you expend time, you expend  
19 energy certainly. Okay. and I'm just seeking  
20 clarity here. No, right not none other than I can  
21 think of right now.

22 Q: Okay.

23 MR. TAYLOR: Let's mark exhibit -- this  
24 would be Exhibit 7.

25 (Exhibit 7 was marked for

1 identification.)

2 Q: I'm handing you Exhibit 7, which is  
3 entitled Plaintiffs' Supplemental Combined  
4 Responses to Defendant Dolgen New York, LLC's  
5 First Set of Interrogatories. Is this familiar to  
6 you?

7 A: Yes.

8 Q: Okay. Have you seen it before?

9 A: Yes.

10 Q: We're going to go through a few of these  
11 responses. Let's start with Interrogatory 4, in  
12 which the answer is on page 5 and 6. This is  
13 asking about whether you have experienced,  
14 observed or otherwise aware of a price discrepancy  
15 anywhere other than a Dollar General store. And I  
16 wanted to specifically ask you about Family  
17 Dollar. Do you shop at Family Dollar at all?

18 A: I don't think so.

19 Q: Okay. Have you ever taken any pictures  
20 of a shelf label at Family Dollar that you can --  
21 that you're aware of or that you recall?

22 A: Not that I can recall.

23 Q: Do you know whether your wife has ever  
24 taken any pictures of shelf labels at Family  
25 Dollar to your knowledge?



1           A:    I cannot say for certain.

2           Q:    Do you have any knowledge that she has?

3           A:    No.   That I'm aware of right now.  No,  
4   not that I remember now.

5           Q:    Have you ever had any discussion with  
6   your wife or anyone else about a lawsuit against  
7   Family Dollar for price discrepancies?

8                   MR. MERINO:  Object to form.  You can  
9   answer.

10          A:    No.

11          Q:    All right.  I want to call your  
12   attention to Interrogatory 7.  This begins on the  
13   bottom of page 8 and it goes into page 9.  And  
14   this particular interrogatory says, Identify all  
15   communications that you have had with any person,  
16   entity or association regarding the claims or  
17   allegations of price discrepancies at any store,  
18   including Dollar General, not encompassed by your  
19   complaint.  And under the supplemental answer it  
20   says, on or before September 4, 2022, Attorney  
21   Andrew R. Wolf of the Dann Law Firm contacted  
22   Joseph Wolf for the purpose of providing legal  
23   advice.

24                All right.  So I want to ask you  
25   about -- do you see that?

1 A: Yeah.

2 Q: Okay. I want to ask you about hta  
3 particular statement. And we've talked about this  
4 a little bit before, earlier today, but is this  
5 sentence referring to a different conversation  
6 than the one you recounted earlier where Andrew  
7 Wolf, your father, mentioned to be careful  
8 shopping at Dollar General?

9 A: Is this sentence referring to that?

10 Q: Yes.

11 A: No.

12 Q: Okay. What is it referring to? If you  
13 know.

14 A: So again, I'll tell you what happened.  
15 Again, I'm not sure what that's referring to but  
16 I'll just tell you what happened. So again,  
17 before September 4th my father, he warned me of --  
18 he said just to, you know, be careful with  
19 overcharges at Dollar General. On or after  
20 September 4th is the first time I would have  
21 reached out for legal advice. So whatever this  
22 says it ways, but I'm telling you my recollection  
23 of the events.

24 Q: So the --so you don't know what this was  
25 referring to in that first sentence about Andrew

1 Wolf contacting you for the purpose of providing  
2 legal advice; is that your testimony?

3 A: Right. Yeah. So before September 4th,  
4 there were no conversations of legal advice. It's  
5 possible on September 4th we -- possible on or  
6 after September 4th that that's when I reached out  
7 for legal advice. But he didn't contact me.

8 Q: Yet that's what I'm trying to get at.

9 A: Yeah, yeah, yeah. He did not contact  
10 me.

11 Q: This is on our before September 4th --

12 A: Yeah, yeah.

13 Q: -- he contacted you?

14 A: Yeah. He did not.

15 Q: Got it. So this is incorrect?

16 A: Seems to be so. Unless I'm misreading  
17 it or whatever. Yeah.

18 MR. TAYLOR: And we can talk afterwards  
19 about maybe getting a supplemental.

20 MR. MERINO: Sure.

21 Q: So when you visited Dollar General  
22 stores -- well, let me go back to on the September  
23 4th, September 18th, and December 11, 2022  
24 transactions. For each of those you received a  
25 receipt after the transaction; is that accurate?

1 A: Yes.

2 Q: Do you usually receive a receipt after a  
3 transaction at the White Lake Dollar General  
4 store?

5 A: I think so, yeah.

6 Q: And do you typically keep those  
7 receipts?

8 MR. MERINO: Object to form. You can  
9 answer.

10 A: No. Unless I noticed a specific reason  
11 to keep it.

12 Q: And when do you typically dispose of the  
13 receipt that you receive at a Dollar General  
14 store? As you're walking out of the store, did  
15 keep it for a day? Do trash it when you get home,  
16 is there a particular practice that you have with  
17 regard to Dollar General receipts?

18 A: There is no particular practice that I  
19 can recall.

20 Q: And am I correct in saying that each of  
21 the receipt that you received on September 4th,  
22 September 18th, and December 11, 2022 showed the  
23 name and price of the products bought?

24 MR. MERINO: Object form. You can  
25 answer.

1 A: Yes.

2 Q: And do you -- let me ask you this, just  
3 sort of more generally. When you shop do you  
4 typically review a receipt after the purchase?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: Typically, I trust most stores that they  
8 have accurate pricing, so no.

9 Q: But receipts allow customers to check  
10 whether they have been correctly charged for items  
11 that have purchased, right?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: They have part of the information to  
15 verify that you were correctly charged. They  
16 don't have all of the information.

17 Q: And what do you mean by that?

18 A: In order to check if they overcharged  
19 you, you would also need to go look at shelf  
20 price, document that. With just a receipt you  
21 cannot verify that you were correctly charged.

22 Q: But if they don't -- would you agree  
23 with it that not every consumer looks at shelf  
24 price tags to see what the price on the shelf is?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: I don't know what every consumer does.

3 Q: Okay. But you said you don't, right?

4 A: I typically -- I typically -- yeah. My  
5 whole life I've trusted that stores have accurate  
6 prices. And that I'm not being overcharged.

7 Q: Sorry, I didn't check the -- you said  
8 you typically don't look at shelf price labels?

9 A: Yeah. I typically trust that, you know,  
10 the store -- the prices are accurate. I do not  
11 typically look at shelf price labels.

12 Q: Interrogatory 9 asks about social  
13 networking, what sites, internet groups, forums,  
14 organizations, online and it gives some of your  
15 Facebook, some of your social media handles and I  
16 just want to verify that you have never posted on  
17 social media about Dollar General or this lawsuit;  
18 would that be correct?

19 A: That's correct.

20 Q: Okay. Have you ever been involved in a  
21 class action before in any form or fashion?

22 A: No.

23 Q: Okay. You know sometimes you get like a  
24 notice in the mail that says, oh --

25 A: Thank you for jiving my memory. I've

1     gotten notice in the mail for things I don't  
2     remember specifically what those were. I think I  
3     got, like, the Facebook -- like this notice about  
4     like a Facebook class action or something like  
5     that. I think I got a notice about that.

6             Q: Did you send anything in about that?

7             MR. MERINO: Object to form. You can  
8     answer.

9             A: Yeah. I did submit the form that was  
10    sent it to me.

11            Q: Do you recall what your computation was,  
12    if any?

13            MR. MERINO: Object to the form. You  
14    can answer.

15            A: Yeah. As far as I know -- so I remember  
16    filling out a form just verifying that I have,  
17    like, a Facebook account. I don't -- I don't  
18    think any damages have been awarded or anything  
19    like that there. I don't think that was resolved.

20            Q: Have you ever been sued are named as a  
21    defendant in a lawsuit?

22            A: No.

23            Q: Have you ever visited the Dollar General  
24    website?

25            MR. MERINO: Object to form. You can

1 answer.

2 A: Yeah. I don't think so.

3 Q: Do you have, or have you ever used a  
4 Dollar General mobile app on your phone or through  
5 Google?

6 A: No.

7 Q: Have you ever given Dollar General your  
8 phone number for any reason?

9 A: I'm not sure.

10 Q: Do you ever use, like, coupons at Dollar  
11 General?

12 A: I don't think so, no.

13 Q: When you go to the Dollar General, I  
14 know some people can type in their phone number  
15 and they get, like, a discount or a coupon. Is  
16 that something that you do?

17 A: Generally, no.

18 Q: Do you recall ever having done that?

19 A: I don't want to say for certain but I  
20 don't remember doing that right now.

21 Q: All right. Can you tell me, what are  
22 your phone numbers?

23 A: 732-406-5909.

24 Q: And that's your home number?

25 A: Cell phone number, yeah.



1 Q: And what's your home number? Do you  
2 have a home phone?

3 A: No.

4 Q: Okay. Good for you. One of these days  
5 I will get there.

6 So can we go to interrogatory 15, on  
7 page 14. The answer you will see -- so it's  
8 interrogatory 15 and they got -- so that's the  
9 first page and you flip it over the answer is  
10 there. I want to move to the second paragraph,  
11 which says, Plaintiffs do not specifically recall  
12 the checkout layout at the time of the purchase as  
13 described in the complaint, but didn't realize  
14 they were overcharged by Dollar General on at  
15 least some occasions after their purchase. Do you  
16 see that?

17 A: Yes.

18 Q: Do you recall any instances where you  
19 realize that there was a price discrepancy at the  
20 Dollar General store prior to a purchase?

21 A: Prior to paying, right?

22 Q: Yeah.

23 A: To checking out? Just the one instance  
24 I mentioned.

25 Q: No other ones that you can think of?

1           A:    No, no.

2           Q:    Do you have -- well, let's move to  
3           interrogatory 16 which below that it says,  
4           describe every instance when Dollar General  
5           supplies override or price match policy or other  
6           discount or refund was applied to your purchase of  
7           products from a Dollar General store.

8                   And the first sentence of the  
9           supplemental answers says, plaintiffs further  
10          object to the extent this request insinuates that  
11          Dollar General would honor its price override work  
12          price match policy. And my question to you is are  
13          you aware of any instances where Dollar General  
14          did not honor its price override or price match  
15          policy or any request to bench for a refund or to  
16          change the price to make sure the shelf prices  
17          consistent with the point of sale price?

18          A:    So I guess I don't know that I had any  
19          awareness, like, Dollar General -- what is it  
20          called, I price match policy is not anything I've  
21          seen. Or price override policy, not anything I've  
22          seen, or heard about, or read about. I don't have  
23          any information that they didn't honor this policy  
24          that I haven't seen.

25          Q:    Have you talked with anyone other than

1 your wife who has spirits a price discrepancy at a  
2 Dollar General store?

3 A: No.

4 Q: Have you communicated with anyone who  
5 has experienced a price discrepancy at a Dollar  
6 General store other than your wife?

7 A: No.

8 Q: And have you been aware of a price  
9 discrepancy at a Dollar General store other than  
10 the White Lakes Store that we have previously  
11 discussed?

12 A: In New York State?

13 Q: Anywhere.

14 A: I'm aware of other lawsuits filed  
15 another states.

16 Q: I'm asking about your experience.

17 A: Okay. So you said -- I'm sorry. Am I  
18 aware of?

19 Q: Are you aware of any instances where you  
20 have experienced a price discrepancy at a Dollar  
21 General store other than the White Lakes store  
22 that we have been discussing?

23 A: Oh, I see. No.

24 Q: Does your wife also shop at Dollar  
25 General or are you the one who typically goes

1       there?

2           A:     She goes as well.   Yeah.

3           Q:     All right.   Do you ever go together or  
4     is it -- and take the kids or is it one of those  
5     things where one of you has to go and the other  
6     stays home with --

7           A:     One of us will stay in the car.

8           Q:     Yeah.   Got it.   Got it.   Got it.  
9     Understand.

10          A:     Yeah, or -- are often one of us is just  
11     the students down the road and one of us runs out.  
12     It's better to leave the kids at home.   Yeah.

13          Q:     Got it.   We talked about this a little  
14     bit earlier so when you go to a Dollar General  
15     store do you have a list of what you plan to get,  
16     whether mental or written down, or is it you're  
17     going just to go because you think you might need  
18     things?

19          A:     Yeah.   Usually a list of something  
20     specific I need.   That morning, or that afternoon.

21          Q:     When you go to the Dollar General what  
22     are the factors that you're looking at when you  
23     are deciding between the various products that are  
24     on the shelf that you ultimately decide to  
25     purchase?

1           A:    I don't know that I have a specific set  
2 of factors that I can apply to all products.

3           Q:    Okay.

4           A:    Yeah.

5           Q:    Do you -- I know you said that you live  
6 here at East Elmhurst, right? That correct?

7           A:    Yeah.

8           Q:    Where do you shop when you're at that  
9 property? For, like, groceries, you know and  
10 those kinds of things.

11          A:    Yeah. Overhear my wife does most of the  
12 grocery shopping.

13          Q:    Do you know where?

14          A:    Since I just answered the question,  
15 yeah, Costco maybe, yeah.

16          Q:    I didn't realize they have Costcos in  
17 this area.

18          A:    Yeah.

19          Q:    I'm going to mark a different exhibit.  
20 You can put that aside.

21                THE WITNESS: Can we have a short break,  
22 15 minutes just for water or something?

23                MR. TAYLOR: Sure.

24                THE WITNESS: Okay.

25                MR. TAYLOR: All right. So this is

1 Exhibit 8. You -- and I've actually got one for  
2 you.

3 (Exhibit 8 was marked for  
4 identification.)

5 Q: So this is Exhibit 8, do you recognize  
6 this?

7 A: Yes.

8 Q: Have you seen it before?

9 A: Yes.

10 Q: Do you recall when you've seen it?

11 A: Yeah. The very -- the most recently I  
12 mean, in the last week I've looked at it.

13 Q: Okay.

14 A: Yeah.

15 Q: So I want to go through some things in  
16 this. Let's turn to page 2 and so this is a Site  
17 Force report of pictures and messages on iPhone 12  
18 Pro Max, and that's your phone, the iPhone 12 Pro  
19 Max, is that correct

20 A: Yes.

21 Q: And if you turn to page number 2, you  
22 will notice that the first instant message, which  
23 is at the bottom, is from JW577 at NYU.edu; is  
24 that you?

25 A: Yes.

1 Q: And this -- the content of the message  
2 was, I'm sure only Dollar General would work with  
3 him now. And the date is October 29, 2022. Do  
4 you see that?

5 A: Yes. I'm sorry, I don't see that.  
6 October 29 -- yeah, yeah, I see it.

7 Q: Do you know what this message is  
8 referred to?

9 A: Yeah, I have no idea.

10 Q: And do you know who it was sent to?

11 A: No.

12 Q: Do you know if it was sent to your wife,  
13 would that shed any light on what the content of  
14 the message is?

15 A: No.

16 Q: All right. So message number 2 is from  
17 732-406-5909, is that your cell phone number?

18 A: Yes.

19 Q: And it is to another number which is  
20 titled Carmen my Princess, I'm assuming that's  
21 your wife?

22 A: So on the record can I say that that's a  
23 name that I've had in my phone since we were 21  
24 and she won't let me change it?

25 Q: Yeah.

1 A: Yes, that's my wife.

2 Q: That's completely understandable. But  
3 just to confirm, it's not some other Carmen?

4 A: No, no, no.

5 Q: It's Carmen Wolf, your wife?

6 A: Yes, she's the only princess.

7 Q: Okay. Got it. And this is a message  
8 dated April 19, 2023 that says where is that other  
9 receipt for Dollar General; do you see that?

10 A: Yeah, April 19, yeah. Yeah.

11 Q: Do you know what that is referring to?  
12 Or why it was sent?

13 A: It may have been to -- I'm not sure at  
14 what point we were being asked to produce. That's  
15 April 2023, right? Is that when that was? Yeah,  
16 so I'm not sure is that, like, what we were asked  
17 to produce receipts that we had saved or if it was  
18 to email a receipt to one of the lawyers.  
19 Probably something around those lines.

20 Q: Okay. Do you have any recollection as  
21 to whether it was a receipt from, like one of the  
22 ones -- one of the transactions that we had  
23 previously discussed here today of September 4,  
24 September 18, December 11, 2022, or some other  
25 transaction date?



1           A:    Do I know for sure if it was one of  
2 those first three?

3           Q:    Yeah.

4           A:    I am not -- I can't say for certain.

5           Q:    And were you still -- either you or your  
6 wife still taking photographs of Dollar General  
7 shelf price tags or receipts after the December  
8 11, 2022, transaction?

9           A:    Yes.

10          Q:    And what was the purpose of that?

11          A:    To verify that Dollar General was  
12 charging accurate prices.

13          Q:    And did you have in your mind any  
14 thought that you would be using those photographs  
15 in the lawsuit that you had filed?

16          A:    As a class representative, if I was  
17 being overcharged on something, or if we noticed  
18 an overcharge on something yeah, I would use it.  
19 I would say the purpose of though was to take  
20 pictures for a lawsuit. Right. We were, again,  
21 just documenting the, you know, prices and making  
22 sure -- you know, wanting to make sure we're not  
23 being overcharged. If we discovered overcharges,  
24 sure I would use that as -- use that information  
25 as a class representative.

1           Q:    If you want to go down to the third  
2   message which I think is from your wife to you.  
3   It says I'll just get done thing at Dollar  
4   General.  Do you know what that's referring to?

5           A:    No.  Probably it was a typo for  
6   something, but I don't know.

7           Q:    Okay.

8           A:    Yeah.

9           Q:    Fourth one, from you to your wife, it  
10   says, can you send me the new receipts from the  
11   latest Dollar General purchase dated April 24,  
12   2023; do you see that?

13          A:    Yes.

14          Q:    And do you have a recollection of what  
15   that is referring to?

16          A:    No.  It's very close in time to this  
17   other one.  It may have been just a request for  
18   the same thing, but I'm not sure.

19          Q:    The fifth message is from you to  
20   Jennifer Lucideo (phonetic).  Is Jennifer Lucideo  
21   a family member of your wife's?

22          A:    Yes.

23          Q:    And what is the specific relation?

24          A:    Sister.

25          Q:    What about Daniela?

1 A: Her cousin.

2 MR. MERINO: I think I'm ready for a  
3 brief break.

4 MR. TAYLOR: Okay. Yeah, that's fine.

5 THE WITNESS: Yeah.

6 (Off the record at 3:29 p.m., resuming  
7 at 3:41 p.m.)

8 BY MR. TAYLOR:

9 Q: All right, Mr. Wolf, let's see. I  
10 wanted to ask you about --

11 MR. TAYLOR: Let me mark another exhibit  
12 real quick. 9?

13 COURT REPORTER: 9, yes.

14 (Exhibit 9 was marked for  
15 identification.)

16 Q: I'm showing you what's been marked as  
17 Exhibit 9. Do you recognize this document?

18 A: Yes.

19 Q: You sound unsure.

20 A: I mean, I -- when is this email from?

21 Q: So if you look at number 6 on page 4 of  
22 Exhibit 8.

23 A: That's Exhibit 8. Where is that? I'm  
24 sorry. This Exhibit 8?

25 Q: Yes.

1 A: Yeah. And then page what?

2 Q: Page 4. So at the very top of page 4.

3 A: 4. Okay. And is it time stamped --

4 Q: January 2nd.

5 A: January 2nd.

6 Q: 2023.

7 A: 2023. Okay.

8 MR. MERINO: So just for the record, it  
9 appears that there was an attorney client  
10 privilege information that was invertedly  
11 disclosed to Dollar General's counsel through our  
12 document production.

13 MR. TAYLOR: Oh.

14 MR. MERINO: We'll object to the line of  
15 questioning and ask that this document be stricken  
16 from our production.

17 MR. TAYLOR: Okay. Well, we can go off  
18 the record and talk about -- and have a discussion  
19 about that so that's fine. I won't ask questions  
20 about this --

21 MR. MERINO: Okay.

22 MR. TAYLOR: -- right now. So you can  
23 put that away. One thing I will ask, just  
24 independent of this email.

25 Q: Am I correct in saying that you, Joseph

1 Wolf, are the one who made the purchases on  
2 September 4th, September 18th, and December 11,  
3 2022?

4 A: I believe so, yes.

5 Q: And when you say you believe so?

6 A: Yeah, as far as I can remember. Yeah.

7 Q: Well, is there any doubt in your mind  
8 that you are the one who made the purchases?

9 A: No. You said September 4th, September  
10 18th, and December 11th?

11 Q: Yeah, the ones that are the basis for  
12 this lawsuit.

13 A: Yeah, that was me.

14 Q: Okay.

15 A: Yeah.

16 Q: All right. I want to direct your  
17 attention to number -- the eighth native message  
18 also on page 4 of Exhibit 8. Do you see that?

19 A: Yes.

20 Q: And you see that, I believe the phone  
21 number is from your wife to you; is that correct?

22 A: Yes.

23 Q: And the timestamp is December 11, 2022?

24 A: Yes.

25 Q: And the time is 12:43 p.m.?

1 A: Yes.

2 Q: In this -- the body of the message says  
3 three Land O'Lakes vanilla yogurts, take picture  
4 of prices. Breadcrumbs, horseradish, small heavy  
5 cream. Do you see that?

6 A: Yes.

7 Q: Do you recall receiving this text  
8 message?

9 A: I don't recall it, no.

10 Q: And do you recall this and being the  
11 same date as of the December 11th transaction at  
12 the White Lake New York Dollar General where you  
13 purchased vanilla yogurt and half-and-half?

14 A: Yeah, I don't recall specifically.

15 Q: So let's look back at --

16 A: But if you're asking is this date the  
17 same date that I've made the purchase, yeah.

18 Q: All right. Let's look back at Exhibit  
19 5. Let me know when you have it.

20 A: Which one is 5?

21 Q: That's the receipt and the photographs  
22 of the yogurt.

23 A: Okay. Yeah.

24 Q: Got it?

25 A: Yeah.

1           Q:    All right.  If you want to go to the  
2           receipt in Exhibit 5, you'll note at the very  
3           bottom at the time of the transaction was 1:43  
4           p.m.; do you see that?

5           A:    Yes.

6           Q:    You'll agree with me that's after the  
7           text message that you received from your wife?

8           A:    Yeah.

9           Q:    Do you know why she asked you to take  
10          picture of the prices of the vanilla yogurt?

11          A:    So I think in general we wanted to -- in  
12          our mind, especially at that point after several  
13          overcharges we wanted to make sure we were being  
14          accurately priced.  Or sorry.  We wanted to make  
15          sure that Dollar General was accurately charging  
16          the correct amount.  I don't know -- I don't think  
17          specifically, you know, take pictures of prices, I  
18          don't think that specifically meant to apply to  
19          just the vanilla yogurt.  I think that's just a  
20          general, you know, reminder to try to take  
21          pictures of the prices to be able to make sure  
22          were being accurately charged.

23          Q:    Had you had a conversation with your  
24          wife prior to this text message about the desire  
25          to take pictures of shelf price labels at Dollar

1 General stores when shopping there?

2 A: Yes.

3 Q: And did you come to sort of an agreement  
4 about that that you would do so? How did that  
5 discussion -- was it -- did that discussion lead  
6 to this text message?

7 A: We discussed trying to make sure that we  
8 were being accurately charged by Dollar General.  
9 And that when we were able to we would take photos  
10 to ensure we're being accurately charged. Yeah,  
11 that being said, I can't -- yeah, again, it's in  
12 my wife's head about what led her to do something.  
13 But we had talked about, you know, together just  
14 wanting to make sure that we're being accurately  
15 charged by Dollar General.

16 Q: I want to turn your attention next to  
17 the data files on page 5, so just flip over  
18 Exhibit 8 to the next page. You'll see at the  
19 very top there are a couple of photographs of  
20 yogurt which are consistent with Exhibit 5. Do  
21 you see that?

22 A: Yes.

23 Q: And it shows that these photographs were  
24 taken on December 11, 2022 at 1:29 p.m.; do you  
25 see that?



1 A: Yes.

2 Q: And that's before the transaction --

3 MR. MERINO: I'm sorry, what page are we  
4 on in the report?

5 MR. TAYLOR: Page 5.

6 MR. MERINO: Okay.

7 Q: And that's before the transaction where  
8 you actually purchased this yogurt which was at  
9 1:43; is that right?

10 A: Yes.

11 Q: And do you recall why you were taking  
12 the photographs of the yogurt, you know,  
13 approximately 14 minutes before you purchased  
14 them?

15 A: Yeah. So that I could later verify to  
16 see that Dollar General was accurately -- was  
17 charging accurate prices.

18 Q: And were you paying attention at the  
19 time you were taking the photographs of what the  
20 actual price was, the 3 for \$2.00 if you recall?

21 MR. MERINO: Object to the form. You  
22 can answer.

23 A: I can't recall.

24 Q: And -- okay.

25 MR. TAYLOR: All right. I want to mark

1 a different exhibit now. We can mark this as 10.

2 (Exhibit 10 was marked for  
3 identification.)

4 Q: All right. I'm handing you Exhibit 10.  
5 Do you recognize these photographs?

6 A: I think so. Can I check to see if these  
7 are photographs that I --

8 Q: Yeah, you can match them up on Exhibit  
9 8. On the bottom half of page 5.

10 A: Okay. Yeah.

11 Q: Do you -- so these look -- do these look  
12 to be consistent with the images that were pulled  
13 from your phone on page 5 of Exhibit 8?

14 A: Yes.

15 Q: Do you recall taking these photographs  
16 on October 10, 2022 at a Dollar General store?

17 A: I don't recall specifically.

18 Q: And do you -- have you ever bought eggs  
19 at Dollar General to your recollection?

20 A: I think so, yeah.

21 Q: Is there any recollection as to why you  
22 were taking photographs of the eggs on October 10,  
23 2022?

24 A: No recollection. Like I said before,  
25 comparison shopping. Just something interesting.

1 Yeah, I don't remember specifically why I took  
2 this photo.

3 Q: Let's -- you mentioned comparison  
4 shopping. Do you comparison shop, Mr. Wolf?

5 A: I think I -- so we -- because my wife  
6 and I guess shop for groceries both in Bethel,  
7 oftentimes at Dollar General, but also in New York  
8 City. My wife more so than me will want to know  
9 how much things cost in different places to be  
10 able to, I guess, just know, I guess where -- what  
11 the difference is or whatever. Yeah.

12 Q: Well, let me ask you this. Do you -- do  
13 you Joseph Wolf, do you do any comparison shopping  
14 when you go to the White Lake Dollar General?

15 A: Like I said, I generally don't do most  
16 of the shopping. It's possible my wife might have  
17 asked me, you know, how much does something cost  
18 there, let me know. Take a photo. So like I say,  
19 there's all kinds of reason why I could take a  
20 photo. Possibly for the purposes of us together  
21 comparison shopping. I don't generally do most of  
22 the shopping though.

23 Q: I thought you --

24 A: Including comparison shopping.

25 Q: Yeah. And my question is really, you

1 know, is really whether there's a distinction  
2 between comparison shopping at the White Lake  
3 Dollar General as opposed to when you're in the  
4 city. Because I believe you had mentioned earlier  
5 About the fact that Dollar General store is very  
6 close in White Lake but there are not a lot of  
7 other stores close by. So my question is really  
8 geared toward whether or not if you do comparison  
9 shopping whether it would be at the White Lake  
10 store and whether you have a recollection of ever  
11 having done comparison shopping at the White Lake  
12 store.

13 A: I guess what I'm having trouble with is  
14 like define comparison shopping. So you know,  
15 it's possible my wife said, hey how much do eggs  
16 cost there, let me know and I took a picture. And  
17 that's that. I don't -- so I don't know if we're  
18 characterizing this as do I do comparison shopping  
19 at the White Lake store.

20 Q: Well, I'm using your term, comparison  
21 shopping.

22 A: Yeah. Yeah. Yeah. I said for the  
23 purposes of it. So yeah, it's possible I took a  
24 picture of a price or I don't know an expiration  
25 date maybe. I don't know. Ther'es all kind so

1 reasons why I might photograph, like I was saying  
2 before, merchandise on a shelf, you know.

3 Q: And there are --

4 A: It's hard for me to speculate on this  
5 photo.

6 Q: Well, there are six photos of eggs here,  
7 am I correct in saying that?

8 A: And salami. And a yogurt.

9 Q: Do you see a shelf price for --

10 A: No, but I see the product. Yeah. But  
11 only yeah, the shelf price, eggs. Yeah.

12 Q: So would you agree with me that  
13 sometimes products on the shelves can get moved  
14 around and may not be where they are supposed to  
15 be on the shelves and not where the shelf price  
16 tag is for that particular product?

17 MR. MERINO: Object to form. You can  
18 answer.

19 A: So you're asking me to speculate on  
20 whether a product can ever get moved from away --  
21 away from the area where it's, like, shelf price  
22 is located?

23 Q: Yeah. I thought that's what you just  
24 referenced.

25 A: Sorry, just to clarify. Maybe I'm

1 misstating. Did I -- yeah. I wasn't implying  
2 that this got moved somewhere. I just know that  
3 that's there. Maybe the shelf price for this is  
4 next to it.

5 Q: Do you see a shelf price for it there?

6 A: No. But it's a very zoomed in photo.  
7 So yeah, I would say I don't remember what I was  
8 specifically taking a photograph of in this case.

9 Q: Well --

10 A: Eggs, salami, shelf prices.

11 Q: There are six photos here and they're  
12 all of the shelf price tag for eggs; am I  
13 incorrect on that?

14 A: There's a picture of eggs. They all  
15 have the shelf price of the eggs and they have --  
16 two of them have the salami in them, with the  
17 yogurt package in the background. Yeah.

18 Q: Would there be any reason to get a  
19 picture of salami or yogurt without the shelf  
20 price tag if you're comparison shopping?

21 A: So like I said before, there is a lot of  
22 reasons you would take pictures of products, not  
23 just to comparison shop. Hey, they have this  
24 brand, Honey. Is this a brand you like? I  
25 noticed this here. There are all kinds of

1 reasons. No, I wouldn't take a picture of  
2 something without the shelf price for comparison  
3 shopping, but there are all kinds of reasons I  
4 could take photos. I don't remember all the  
5 circumstances of why I took photos of this -- of  
6 these items here.

7 Q: So without getting into the reasons that  
8 it could have been, do you recall why you took  
9 these photographs?

10 MR. MERINO: Objection. Asked and  
11 answered.

12 MR. TAYLOR: I don't think I have been  
13 answered.

14 A: Yeah. I -- just to -- and these are on  
15 December 10th?

16 Q: Yeah. No.

17 A: These were taken on December 10th?

18 Q: October 10th.

19 A: Oh, sorry, October 10th. No, I don't  
20 remember exactly. Okay.

21 Q: Okay. We'll move on from that. And you  
22 don't recall whether or not you actually purchased  
23 these eggs and have a receipt for it, do you?

24 A: I don't recall. Yeah.

25 Q: And am I correct in saying that these

1       were on October 10, 2022 which is a few weeks  
2       after you retained counsel to file suit against  
3       Dollar General?

4             A:     Correct, yeah.

5             Q:     And do you think that one of the reasons  
6       why you might have been taking these photographs  
7       would have been to use in the lawsuit against  
8       Dollar General?

9             A:     Yeah, I --

10            MR. MERINO:  Objection.  Asked and  
11       answered.  You can answer.

12            A:     I don't recall exactly.

13            Q:     All right.  If you go to page 6 of the  
14       report, there is a picture of Lactaid on the  
15       second one dated September 4, 2022; do you see  
16       that?

17            A:     Mm-hmm.  The one with like the blue and  
18       the red?

19            Q:     Did you -- I know these are hard to say.

20            A:     Yeah.

21            Q:     There with me just one second.  I'm not  
22       going to make you pull out a magnifying.

23            A:     Yeah, yeah, I know.

24            MR. TAYLOR:  If I can have that marked  
25       as Exhibit 11.  All right.  Thank you.



1 (Exhibit 11 was marked for  
2 identification.)

3 Q: I'm handing you Exhibit 11. Mr. Wolf,  
4 does that look familiar?

5 A: Yes.

6 Q: And what is it?

7 A: Photograph.

8 Q: And is it a photograph that you took?

9 A: Yes.

10 Q: And according to Exhibit 8 it says that  
11 you took this photograph on September 24, 2022, is  
12 that consistent with your memory?

13 A: It's not -- it's a long time ago and  
14 it's hard to remember exactly but it's not  
15 inconsistent with anything I remember. So sure.  
16 Yeah.

17 Q: Do you recall why you took this  
18 particular photo?

19 A: Yes.

20 Q: Okay. Tell me why.

21 A: I thought it was cool that that was milk  
22 but you didn't have to refrigerate.

23 Q: It is cool.

24 A: Yeah.

25 Q: And so this had nothing to do with any

1 kind of price issue, the reason why he took the  
2 photograph?

3 A: Not that I remember, no.

4 Q: So one thing that I wanted to know. So  
5 you see there is a handwritten sign with the price  
6 above it?

7 A: Yeah.

8 Q: Have you ever seen handwritten signs for  
9 other products at Dollar General?

10 MR. MERINO: Objection form. You can  
11 answer.

12 A: No.

13 Q: All right. You can set that aside.

14 MR. TAYLOR: Exhibit 12.

15 (Exhibit 12 was marked for  
16 identification.)

17 Q: Do you have a dog?

18 A: No.

19 Q: Have you ever had dog?

20 A: No.

21 Q: I'm handing you Exhibit 12. And I will  
22 note that on exhibit a page 6 directly below the  
23 one we were just looking at is a smaller version  
24 of this photograph. Do you recognize this  
25 photograph?

1 A: Yes.

2 Q: Did you take it?

3 A: Yes.

4 Q: And it says that it was taken on October  
5 23, 2021; is that consistent with your memory? Do  
6 you have any reason to doubt that?

7 A: No. I don't have any reason to doubt  
8 it.

9 Q: Do you recall why you took this  
10 photograph?

11 A: Yes.

12 Q: Can you tell me why?

13 A: Carmen's cousin's name Caesar. I  
14 thought it was funny.

15 Q: I will refrain from further comment.  
16 Okay so the reason why you took this photograph  
17 had nothing to do with price?

18 A: No.

19 MR. TAYLOR: This is Exhibit 12?

20 COURT REPORTER: The last was 12.

21 MR. TAYLOR: Was it? Yeah. You're  
22 right. Okay.

23 (Exhibit 13 was marked for  
24 identification.)

25 Q: I am handing you Exhibit 12 -- excuse

1 me, Exhibit 13. All right. Do you recognize this  
2 document?

3 A: Not a lot to go on, but I believe so.

4 Q: Is this a credit card statement for one  
5 of the credit cards that you and your wife use?

6 A: Her's (indiscernible).

7 Q: And on the third page, it looks like  
8 there was a transaction on April 11, 2023 at a  
9 Dollar General. Do you see that?

10 A: Yes.

11 Q: And is it your understanding that the  
12 Mongate Valley is the same store as what we've  
13 been referring to as the White Lake, New York  
14 store?

15 A: I believe so.

16 Q: And if you go a few more pages over  
17 there is also on the bottom it says Wolf 74?

18 A: Yeah.

19 Q: There's another reference to a December  
20 11, 2022 transaction at that same store for 6.  
21 him 25. Do you see that?

22 A: Yes.

23 Q: And that would be the transaction that  
24 we previously discussed on December 11, 2022 where  
25 you have alleged that you were over charge for

1 buying yogurt?

2 A: I think so. Just give me a second to  
3 look this over.

4 Q: Sure.

5 A: Yeah, that looks to be this, yeah.

6 MR. TAYLOR: And so I'm now marking what  
7 is Wolf 14.

8 (Exhibit 14 was marked for  
9 identification.)

10 Q: I'm handing you what is Wolf 14, which  
11 appears to be another credit card statement. I'm  
12 going to take a look at that. And I'm going to  
13 ask you some questions about it. And my first  
14 question is, is the credit card statement for  
15 Exhibit 14, is that for a different credit card  
16 than the credit card statement in Exhibit 13?

17 A: I believe it's the same.

18 Q: Oh it was the same?

19 A: Give me a second just to verify that.

20 Q: Sure.

21 A: Oh you know what, sorry. Give me a  
22 second.

23 Q: Sure. And one thing I will point out  
24 for you for what it's worth --

25 A: Yeah, yeah.

1           Q:    -- That on the first page of Exhibit 14  
2           it says card and it says Carmen W. and then it has  
3           7698.

4                   And I will note that there is a  
5           transaction on this Exhibit 14 on December 11,  
6           2022 for 6.25 as well.

7           A:    Where do you see that?  I'm sorry.

8           Q:    Oh Wolf 84.  The number is, like, right  
9           here.

10          A:    I'm sorry.  Just to clarify, I provided  
11          a lot of documents and I separated it by kind of  
12          what part it belonged to, into, like, different  
13          folders.  So everything is, like, grouped together  
14          now and that's why it's hard for me to sort it  
15          through.  Okay.  So the 6.25 it's like -- where is  
16          that part?

17          Q:    Do you see right here, this is where the  
18          numbers are.  Wolf 84.

19          A:    Wolf 84.  Okay.

20                   Okay.  Yeah.  All right, I'm there.

21          Q:    All right.  And so all I'm trying to  
22          figure out is whether these two, Exhibit 13 and  
23          Exhibit 14 are from the same credit card or not.  
24          If you know.

25          A:    Yeah.  This is the same credit card is

1 this. I'm just trying to figure out because it  
2 looks like two sets of documents. Here maybe?

3 Q: Look, let me ask you this. Did you  
4 collect information --

5 A: Yeah.

6 Q: -- Exhibit 14?

7 A: Yes, I did. I did, yeah.

8 Q: Now I believe you said that -- and maybe  
9 I misheard you but you collected information from  
10 multiple credit cards?

11 A: Yes.

12 Q: Are there any other credit card  
13 statements that you searched for Dollar General  
14 transactions that are not either Exhibit 13 or  
15 Exhibit 14?

16 A: Okay. So this one, these first two  
17 pages are I believe a different credit card than  
18 this. And I searched -- yeah. This is yeah these  
19 two credit cards and then I think -- I said I  
20 think I need to also search that personal  
21 MasterCard that we went over before.

22 Q: Okay.

23 A: Yeah.

24 Q: And is the personal MasterCard is that  
25 somewhere in Exhibit 14?

1           A:    I don't think so. That's why I need to  
2           search it. I think all the rest of this is --  
3           let's just go through it all. Yeah all the rest  
4           of this is -- it should be that joint account  
5           ending in 6329. Okay. Yeah.

6           Q:    So did you search your personal credit  
7           card as well?

8           A:    I don't remember. I can do it again. I  
9           can search it.

10          Q:    Okay.

11          A:    But I didn't see anything, if not, I can  
12          search it again. Yeah.

13          Q:    We'll follow up with you about that.  
14          But the first two pages you said were for a  
15          different credit card. Which credit card is that?  
16          Of Exhibit 14.

17          A:    Yes so this is another credit card that  
18          Carmen has.

19          Q:    Is that something that you share or for  
20          just her? What's the situation there?

21          A:    I think it might be technically like a  
22          joint account card that we used to use a lot. But  
23          I think right now, Carmen just maintains that as a  
24          backup card to have if she doesn't have her other  
25          card.



1 Q: Got it. I want to turn your attention  
2 real quick to -- first of all, if you're going by  
3 the actual Bates number what we call it --

4 A: Yeah.

5 Q: Wolf 80.

6 A: Wolf 80. Okay.

7 Q: And it has two transactions on the same  
8 day on April 23rd, 2022. Do you know why there  
9 were two transactions on the same day? Why you  
10 would -- why either you or your wife would have  
11 made two purchases at a Dollar General on the same  
12 day?

13 A: No.

14 Q: If we turn to the next page, 81, you'll  
15 see that Family Dollar is mentioned three times in  
16 a row there. Did -- do you recall whether you  
17 would have been the one making purchases at Family  
18 Dollar in Bronx, New York or not?

19 A: I don't think that was me.

20 Q: Okay. All right. You can set aside  
21 that document for now.

22 MR. TAYLOR: I'm marking this as Exhibit  
23 15.

24 (Exhibit 15 was marked for  
25 identification.)

1 Q: I'm handing you Exhibit 15. These are  
2 photos. And I'm wondering if you know what these  
3 photographs are?

4 A: Milk. Photographs of milk.

5 Q: Do you recall taking these photographs?

6 A: Not specifically.

7 Q: And I'll represent to you that these  
8 were not found on a phone, either yours or your  
9 wife's phone but they were produced in this  
10 litigation. And I'm wondering if you happen to  
11 know when they were taken or any details about  
12 them?

13 A: I don't remember specifically. Is there  
14 any information you could help me with? Is there  
15 a document or?

16 Q: No. These were produced to us so I'm  
17 just trying to figure out --

18 A: Okay.

19 Q: -- what it is.

20 A: I don't remember. I'm sorry.

21 Q: Do you know where this would have come  
22 from? Because this would have come from either  
23 you or your wife in some form or fashion and  
24 presumably not from your phones. So I'm wondering  
25 if maybe you kept a file or other photographs, if

1     you recall?

2           A:    Yeah.  The only thing that -- the only  
3     way my wife and I are going to take pictures is  
4     with phones.  And those photographs are stored in  
5     the same place as all other photographs on our  
6     phone.  If that makes sense.  Does that answer  
7     your question?

8           Q:    Do you ever recall purchasing whole milk  
9     at Dollar General?

10          A:    There was one whole milk purchase at  
11     least documented.

12          Q:    But that was lactose free.  So this is,  
13     I guess --

14          A:    Oh, you're saying non lactose free whole  
15     milk?

16          Q:    Yeah.

17          A:    I believe I have in the past, yeah.

18          Q:    And here, see if this jogs your memory a  
19     little bit.  You'll notice that there is no price  
20     on these items.  It doesn't appear to be and I'm  
21     wondering if that might jar your memory as to --  
22     well, let me ask it this way.  Do you ever recall  
23     seeing products at Dollar General that did not  
24     have a shelf price tag?

25          A:    Yes.  These say Clover Valley and I

1 think that's Dollar General brand.

2 Q: It is.

3 A: And they don't have a price tag so I'm  
4 going to say yes then.

5 Q: Yes, what?

6 A: Sorry. Yes, that I've seen items  
7 without a price tag.

8 Q: Do you recall ever having seen items at  
9 a Dollar General store without a price tag other  
10 than what is depicted in these photographs in  
11 Exhibit 15?

12 A: No.

13 Q: You can put that aside.

14 A: Okay.

15 MR. TAYLOR: I'll mark this as Exhibit  
16 16.

17 (Exhibit 16 was marked for  
18 identification.)

19 Q: All right. I'm handing you Exhibit 16.  
20 Have you seen this document before?

21 A: Yes.

22 Q: And this is a SyForce report for the  
23 iPhone 12 mini; is that correct?

24 A: Yes.

25 Q: And that's your wife's phone?

1 A: Yes.

2 Q: Is it still currently her phone?

3 A: No.

4 Q: But it was until recently her phone?

5 A: Fairly recently. Until maybe September  
6 or October. I don't remember, yeah.

7 Q: I wanted to refer you to on page 4 there  
8 is a native message number 7 from you to Carmen  
9 with a link to a New York Times article about lead  
10 in baby food; do you see that?

11 A: Yes.

12 Q: On January 27, 2023?

13 A: Yes.

14 Q: Do you recall sending that text?

15 A: I don't recall specifically sending the  
16 text, no.

17 Q: And do you recall a photograph -- or  
18 wanting to get a photograph of baby food on the  
19 shelves of a retailer?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: No.

23 MR. TAYLOR: So that 17?

24 COURT REPORTER: 17, yes.

25 MR. TAYLOR: Thank you.

1 (Exhibit 17 was marked for  
2 identification.)

3 Q: I'm handing you Exhibit 17. Okay. So  
4 according to Exhibit 16, that photo was taken  
5 around the same time that you sent the link about  
6 lead in baby food. Do you recall seeing this  
7 photograph?

8 A: No.

9 Q: And can I presume that you did not take  
10 the photograph?

11 MR. MERINO: Objection to form. You can  
12 answer.

13 A: Is this baby food?

14 Q: It looks like --

15 A: What are we looking at here?

16 Q: On the far right, Gerber.

17 A: Okay. Yeah. I don't think I took this.

18 Q: Do you recall having a conversation with  
19 your wife about this photo or about lead in baby  
20 food?

21 A: In general I -- there were a lot of  
22 articles on things that are interesting.  
23 Especially like, health and safety. So I -- yeah  
24 this would be one of a number of articles that I  
25 am forwarding all the time as an avid I guess,

1 reader of news. But I don't remember a specific  
2 conversation about this.

3 Q: Okay. You can set that aside.

4 A: I'm sorry. When -- do you know when  
5 that was taken? Did you say that?

6 Q: Yeah, January --

7 A: Oh, around the same time he said, right?

8 Q: Yeah.

9 A: Okay.

10 Q: The 27th. January 27, 2023.

11 A: By the iPhone mini?

12 Q: Yeah.

13 MR. TAYLOR: I'm handing you what has  
14 been marked as Exhibit 18.

15 (Exhibit 18 was marked for  
16 identification.)

17 Q: These appear to be photographs of tuna  
18 and a receipt for a transaction at the White Lake  
19 Dollar General on April 11, 2023. Do you -- are  
20 you familiar with these photographs?

21 A: Yes.

22 Q: Tell me what you know about them.

23 A: That my wife took them.

24 Q: And did she make the transaction that is  
25 listed in -- that has the receipt in Exhibit 18?

1 A: Yes.

2 Q: And do you know why she was taking the  
3 photographs of the tuna and the receipt?

4 A: My understanding is that to make sure  
5 that Dollar General was not overcharging us so  
6 that she would be able to verify that the pricing  
7 was accurate when she could.

8 Q: Okay. And you will see that in Exhibit  
9 16 on page 5 that these photographs were texted to  
10 you on April 24, 2023; do you see that?

11 A: Yes.

12 Q: And do you know for what purpose they  
13 were sent to you?

14 A: I just don't remember the specifics  
15 around why she texted those to me on that date.

16 Q: Do you recall having any conversations  
17 with your wife about this particular transaction  
18 or these photographs?

19 A: Yes.

20 Q: Tell me what you remember about that  
21 conversation or conversations.

22 A: I remember that she -- yeah, that there  
23 was an overcharge.

24 Q: Okay.

25 A: That either -- yeah. That was about an



1 overcharge.

2 Q: Okay there was an overcharge and do you  
3 know what occurred as a result of that overcharge?  
4 Did she take any action to your knowledge?

5 A: She spoke with me about it.

6 Q: And do you recall what she told you  
7 about it?

8 A: That she was overcharged.

9 Q: Did she tell you that she was planning  
10 to take any action about it?

11 A: I don't recall specifically.

12 Q: Do you recall was she upset what was  
13 her --

14 A: I don't think she was happy about being  
15 overcharged.

16 Q: Do you recall anything specific about  
17 what she said about being upset about it?

18 A: No.

19 MR. TAYLOR: Let's mark that and, I  
20 guess, 19.

21 (Exhibit 19 was marked for  
22 identification.)

23 Q: I'm handing you Exhibit 19 which are  
24 some additional photographs. Let me reference, or  
25 note that these photographs appear to match up to

1 miniature photographs on page 7 of Exhibit 16.

2 A: Exhibit 16. Okay. I'm there.

3 Q: And these particular photographs are  
4 dated June 5, 2022. Do you recall taking these  
5 photographs?

6 A: So just to clarify, everything from this  
7 Stella photo all the way through Ramen is June 5,  
8 2022?

9 Q: That's what it says.

10 A: That's what it looks like, right.

11 Q: Yeah.

12 A: Do I recall taking them?

13 Q: Yeah.

14 A: I don't recall taking them. Probably  
15 these were from Carmen's --

16 Q: Exhibit 16.

17 A: -- iPhone mini, right. I don't recall  
18 taking it.

19 Q: Carmen's phone?

20 A: Yeah. Okay.

21 Q: Do you know why she would be taking  
22 photographs of various Dollar General shelf price  
23 tags in June of 2022?

24 A: No. Again, I can speculate for all the  
25 reasons we -- the same reasons we talked about,

1 you know for me, comparison-shopping, documenting  
2 what's in Dollar General.

3 Q: I'm just asking if you know.

4 A: No, no, no.

5 Q: Do you recall having a conversation with  
6 her about these photographs of Dollar General  
7 items that she took in June of 2022?

8 A: No.

9 Q: Were you aware of potential price  
10 discrepancies at Dollar General stores in June of  
11 2022?

12 MR. MERINO: Object to the form. You  
13 can answer.

14 A: No.

15 Q: Were you or your wife, to your  
16 knowledge, taking any actions in June of 2022 to  
17 prepare for a lawsuit against Dollar General?

18 MR. MERINO: Object to form. You can  
19 answer.

20 A: No.

21 Q: And is it your testimony that you did  
22 not have any knowledge of these photographs on  
23 your wife's phone prior to receiving -- or seeing  
24 this report that is Exhibit 16?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: As far as I remember, yeah.

3 Q: Yeah what?

4 A: As far as I remember, yes, I did not  
5 have -- if you repeat your question I can make  
6 sure I'm answering it correctly but I thought it  
7 was a yes to say what I'm saying.

8 Q: So is it your testimony that you were  
9 not aware of these photographs that your wife took  
10 of Dollar General items in June of 2022?

11 MR. MERINO: Object to form. You can  
12 answer.

13 A: In June of 2022, I don't remember being  
14 aware of these photographs.

15 Q: Were you aware of these photographs in  
16 Exhibit 19 at any point prior to September 4,  
17 2022?

18 A: Not that I can remember.

19 Q: And just to be clear, so you signed a  
20 retainer letter to file a lawsuit against Dollar  
21 General in September 2022, and your wife was  
22 taking pictures of Dollar General shelf price tags  
23 in June of 2022 and you didn't have any knowledge  
24 of it?

25 MR. MERINO: Object to form.

1           A: Yeah. So no I didn't have any  
2 knowledge, and I don't think she was taking  
3 pictures of just price tags or just price tags. I  
4 don't know what she was taking pictures of.

5           Q: What --

6           A: But no.

7           Q: Sorry. What makes you say that, that  
8 you don't think she was taking pictures of just  
9 price tags?

10          A: I don't know that she was taking  
11 pictures of just price tags. She has the whole  
12 product pair. It has quantity, but it looks like,  
13 there are all kinds of reasons why you go to a  
14 store and want to take a picture of a product to  
15 remember what it is or whatever it is. We talked  
16 about comparison-shopping, being able to go home  
17 and say hey have you ever had this? Do you want  
18 to try it? All kinds of reasons why people want  
19 to take photos at the store.

20          Q: Okay. And my question is, do you know  
21 why she was taking these photographs?

22               MR. MERINO: Objection. Asked and  
23 answered. You can answer.

24          A: Yeah I -- no.

25               MR. TAYLOR: All right. You can set

1 that aside. This will be marked as Exhibit 20.

2 (Exhibit 20 was marked for  
3 identification.)

4 Q: I'm handing you Exhibit 20. Does  
5 this -- do you recognize this?

6 A: Give me just a moment to --

7 Q: Sure. Sure, sure.

8 A: Yes.

9 Q: And did you review this at any point in  
10 the past?

11 A: In the past, yes.

12 Q: All right. I'm going to ask you some  
13 questions. Some of these questions have already  
14 been answered, for some of these. Let's move to  
15 RFA 21 on page 15.

16 A: Okay.

17 Q: And it asked, admit that for December  
18 11, 2022 Joseph Wolf was aware that he could see a  
19 refund for merchandise he bought from a Dollar  
20 General store, and there's some objections and  
21 then at the very bottom it says denied. And I  
22 wanted to ask whether that is correct in light of  
23 what I believe you told me earlier about asking  
24 for a price to be changed.

25 A: Yeah. I did asked for a price to be

1 changed. I don't remember if it was before  
2 December 11, 2022.

3 Q: And --

4 A: And that's not a refund either. They're  
5 two different things.

6 Q: And I guess --

7 A: So a refund, I guess more to answer the  
8 question I don't remember having knowledge about  
9 Dollar General -- like a refund policy or anything  
10 like that. Yeah.

11 Q: Okay. Do you have any kind of general  
12 sense about whether you can ask a retailer for a  
13 refund?

14 MR. MERINO: Object to form. You can  
15 answer.

16 A: I know that refund policies differ but  
17 merchant and there tend to be great variations.  
18 So I don't have any general idea of what, like,  
19 could apply to all retailers.

20 Q: Have you ever asked for a refund from a  
21 retailer?

22 A: I have returned merchandise.

23 Q: Okay.

24 A: Yeah.

25 Q: And where?

1 A: Amazon.

2 Q: Okay.

3 A: I've done a return, yeah.

4 Q: Did you get a refund or did you get an  
5 exchange?

6 A: I'm gotten a refund.

7 Q: What's that?

8 A: A refund.

9 Q: And do you recall -- when was the first  
10 time that you recall getting a refund from Amazon?

11 A: I don't recall.

12 Q: But you have prior experience in asking  
13 a retailer for a refund; is that true?

14 MR. MERINO: Objection to form. You can  
15 answer.

16 A: Yes.

17 Q: I want to turn your attention to RFA  
18 number 32 on page 20. And it says, admit that  
19 before the September 4, 2022 perches from the  
20 white Lake Dollar General store identified in the  
21 second amended complaint 14 --

22 A: I'm sorry, which RFA?

23 Q: 32. Page 20.

24 A: Okay.

25 Q: Admit that before the September for



1 purchase -- September 4, 2022 purchase from the  
2 white Lake Dollar General store Joseph Wolf was  
3 aware of any litigation against our retailer  
4 overpriced discrepancies.

5 And there is an objection. And so I  
6 just want to ask you whether or not that is, in  
7 fact, true. Were you aware of any litigation  
8 against a retailer overpriced discrepancies prior  
9 to September 4, 2022?

10 A: So happy to answer.

11 THE WITNESS: I see there's an  
12 objection. I can answer?

13 MR. MERINO: Objection to form. You can  
14 answer.

15 A: Okay. I was not aware of any litigation  
16 before September 4th.

17 MR. MERINO: I don't know how much you  
18 have planned left but I wouldn't mind taking a  
19 quick five minute break.

20 MR. TAYLOR: Yeah, that's fine.

21 MR. MERINO: Or if you want to --

22 MR. TAYLOR: No, go ahead and break.

23 (Off the record at 4:45 p.m., resuming  
24 at 4:50 p.m.)

25 BY MR. TAYLOR:

1           Q: All right, Mr. Wolf so going back to  
2 Exhibit 20, I want to point your attention to page  
3 27, RF a number 15. And that says, admit that  
4 Joseph Wolf would have bought the Clover Valley  
5 brand 2 percent lactose free milk from the white  
6 Lake Dollar General store on September 4, 2022 at  
7 the price listed on the shelf tag stated 4.25.  
8 And I don't have an answer to that one here. So I  
9 wanted to ask you would you have bought the 2  
10 percent lactose free milk from the white Lake  
11 dollar store September 4, 2022 if the price listed  
12 on the shelf tag had stated 4.25 as opposed to  
13 4.15?

14           MR. MERINO: Objection to form. You can  
15 answer.

16           A: Yeah. This is a hypothetical and it is  
17 asking me to, like, remember everything that was  
18 going on on September 4, 2022, over a year ago,  
19 put myself in that mind set, so I don't know.

20           Q: I want to direct your attention to page  
21 40, RFA number 93. And it reads, admit that  
22 Joseph Wolf believes that it is prudent to check  
23 prices on one's receipts after a transaction to  
24 ensure price accuracy. Do you agree with that  
25 statement?

1 MR. MERINO: Objection to form. You can  
2 answer.

3 A: Generally speaking, I have, all my life  
4 trusted retailers that they are being accurate and  
5 honest with their pricing. So I have generally  
6 not done that throughout my life.

7 Q: But that's not the question. I  
8 understand that you haven't done it. But I'm  
9 asking you this, whether you believe it is prudent  
10 for a consumer to check prices on one's receipt  
11 after a friend's action to ensure price accuracy.

12 MR. MERINO: Objection to form. You can  
13 answer.

14 A: Define prudent.

15 Q: Think it's a good idea.

16 A: Okay so I don't think that's what  
17 prudent means. But that's what you're saying.

18 Q: Okay. You define it then.

19 A: Yeah. I'd have to look it up.

20 Q: Okay.

21 A: You want me to look it up?

22 Q: No.

23 A: Okay. If you like to rephrase it as to  
24 do you think it's a good idea, is that what we are  
25 doing here?

1 Q: Well, we can do that.

2 A: Okay.

3 Q: Do you know what prudent means?

4 A: I think I have an idea it has to do with  
5 something like achieving the best results in a  
6 most realistic way or something like that. But  
7 again, I would want to just verify the definition  
8 of that.

9 Q: Well, okay. I'll change it for you.

10 A: Yeah.

11 Q: So would you agree with the statement  
12 that it is a good idea for a consumer to check  
13 prices on one's receipt after a transaction to  
14 ensure price accuracy?

15 MR. MERINO: Objection to form. You can  
16 answer.

17 A: It's a good idea for all consumers to  
18 always do that?

19 Q: That's not what I said.

20 MR. TAYLOR: Can you read back the  
21 question? Listen closely.

22 (The requested audio was played back.)

23 A: I think it's up to each individual  
24 consumer and I have a hard time making a blanket  
25 statement over, you know, the policy that all

1 consumers should follow when they shop anywhere  
2 just to make sure they're not being overcharged by  
3 folks like Dollar General.

4 Q: So different consumers may have  
5 different practices in terms of whether they check  
6 the receipt after a transaction to ensure price  
7 accuracy?

8 A: I think that's possible and likely.

9 Q: Okay. let's move to RF a number 95 also  
10 on page 40. And I'm going to change this one for  
11 you as well.

12 A: Okay.

13 Q: Do you believe it is a good idea for  
14 consumers to do observe the prices on items on the  
15 cash register displayed on the monitor we talked  
16 about earlier during checkout to ensure price  
17 accuracy?

18 MR. MERINO: Objection to form. You can  
19 answer.

20 A: The entire premise of this question is  
21 that stores like Dollar General are constantly --  
22 that there is a chance that they are constantly  
23 overcharging all consumers. And that therefore  
24 they need to just constantly look at every  
25 transaction in order to make sure they are being

1 accurately priced. That feels like what the  
2 premise of the question is, and it feels silly or  
3 ridiculous to ask every consumer to do that all  
4 the time for everything.

5 Q: Okay. So you don't think consumers  
6 should have to look at the monitor? You don't  
7 think that consumers should have to observe prices  
8 of the items on the cash register displayed during  
9 checkout?

10 MR. MERINO: Objection. Asked and  
11 answered. You can answer.

12 A: Yeah. It -- in order to be charged  
13 accurately, I think Dollar General should be  
14 charging people accurate prices no matter what.

15 Q: Do you think consumers have the  
16 responsibility to look at cash register display  
17 during checkout to see what they are being charged  
18 for items?

19 MR. MERINO: Objection to form. You can  
20 answer.

21 A: Yeah. Are you asking, like, is there a  
22 legal responsibility --

23 Q: No.

24 A: -- for consumers?

25 Q: I use the word legal.

1           A:    Okay.  I'm just trying to understand, I  
2   guess what the main we're talking about here.

3                    So do you believe consumers should have  
4   a responsibility to look at prices at the cash  
5   register to ensure price accuracy?

6           Q:    Yeah.

7           A:    I really believe that's up to -- I  
8   really think every person in their situation --  
9   that's going to differ for every person.  People  
10   have different shopping practices.  People shop  
11   with all kinds of things on their mind in  
12   different capacities.  I don't want to put out a  
13   blanket statement that I think all consumers need  
14   to follow or else they are at fault for being  
15   ripped off.

16          Q:    All right.  Let me turn your attention  
17   to RFA 97 on page 41.  And I'm going to change  
18   this one little bit as well.

19          A:    Okay.

20          Q:    And so my question is do you believe  
21   it's a good idea that once noticed for a consumer  
22   to request a refund of the difference between the  
23   shelf price and the checkout price if the checkout  
24   prices higher?

25                   MR. MERINO:  Objection to form.  You can

1 answer.

2 A: Again, a good idea. Again, I think this  
3 is a blanket recommendation to all consumers and I  
4 don't know what a good idea is for all consumers.  
5 People requesting a refund takes time. It takes  
6 effort, energy. I can't make a blanket  
7 recommendation. I think all consumers need to do  
8 this X thing, or else they are at fault for being  
9 overcharged by a store that is not following the  
10 law.

11 Q: I want to turn your attention to RFA 99  
12 on page 42. And this is really more of a factual  
13 question. I just want to make sure I have it  
14 right. Am I correct that prior to filing this  
15 lawsuit you did not request a refund from Dollar  
16 General of any of the differences between the  
17 shelf price and the checkout price that were  
18 identified in the second amended complaint which  
19 is Exhibit 3?

20 A: That's correct.

21 Q: So earlier today we had a discussion  
22 about you having a conversation with an employee  
23 of a Dollar General store at White Lake, correct?

24 Yeah. Yes. A:

25 Q: We weren't able to determine who that



1 was, correct?

2 A: Yes.

3 Q: Do you recall anything about the  
4 employee? Was it a man? Was it a woman?

5 A: No.

6 Q: Do you recall whether it was a store  
7 manager or someone else?

8 A: No.

9 Q: Other than that particular moment, in  
10 that occasion, as we talked about, have you ever  
11 had any conversations with ah current or former  
12 employee of a Dollar General store at White Lake,  
13 New York?

14 A: No.

15 Q: Other than that conversation that we  
16 just talked about have you ever had any  
17 conversations with any current or former employee  
18 of any Dollar General store at any point?

19 A: No.

20 Q: All right. You live in Queens?

21 A: Yeah.

22 Q: That your main residence?

23 A: Yeah. Yeah.

24 Q: Are the prices for groceries and whatnot  
25 would you consider those to be high in Queens?

1 MR. MERINO: Object to the form. You  
2 can answer.

3 A: That's hard for me to say. Yeah, I'm  
4 not sure.

5 Q: Would the prices at the Dollar General  
6 store in White Lake, New York be lower in your  
7 opinion than the prices that you experienced in  
8 Queens?

9 MR. MERINO: Object to form. You can  
10 answer.

11 A: I'm not sure.

12 Q: When you mention Andrew Wolf, who is  
13 your father and worked for the Dann Law firm. Do  
14 you have any other relatives that work for the  
15 Dann Law Firm?

16 A: No.

17 Q: Do you have any friends that work for  
18 the Dann Law firm?

19 A: No.

20 Q: Are you related at all to Mr. Merino?

21 MR. MERINO: Object to form. You can  
22 answer.

23 A: Unfortunately no.

24 MR. TAYLOR: Well done.

25 Q: All right. Do you know what a class

1 action is?

2 A: Yes.

3 Q: All right. What is your understanding  
4 of what a class action is?

5 MR. MERINO: Object to form, you can  
6 answer.

7 A: A lawsuit filed on behalf of a class.

8 Q: And you have an understanding of what  
9 the class definition here is?

10 A: Yes.

11 Q: Can you tell me what your understanding  
12 is?

13 A: Anyone who has been overcharged at a  
14 Dollar General in the State of New York.

15 Q: Do you have an understanding as to your  
16 role in this lawsuit?

17 A: Yes.

18 Q: And hat is your understanding?

19 A: My role is to do what's in, you know,  
20 the best interest of the class. To stay informed  
21 of the proceedings. To seek appropriate legal  
22 counsel and to pursue, you know, to pursue the  
23 case.

24 Q: Do you have an understanding as to any  
25 responsibilities or duties that you may have, and

1 if so what is that understanding?

2 A: Yeah. I thought -- sorry. I thought I  
3 just answered that.

4 Q: Okay. All right. So that's your answer  
5 for responsibilities and duties as well?

6 A: Yeah. Unless there's something specific  
7 that you want to ask about there?

8 Q: No. Do you have an understating as to  
9 who you are representing in this lawsuit, and if  
10 so, what is that undercranking?

11 A: Yeah. I thought I answered so. I'm  
12 representing anyone who was overcharged at a  
13 Dollar General in the State of New York.

14 Q: And what qualifies you to represent that  
15 class?

16 A: I was overcharged by Dollar General in  
17 the State of New York.

18 Q: Do you believe that you are qualified to  
19 represent that class?

20 A: I do.

21 Q: And why?

22 A: Because I was overcharged by Dollar  
23 General in the State of New York.

24 Q: Do you know how much time you can expect  
25 to spend on this case?

1           A:    How much time I've sent or expect to  
2           spend moving forward?   Expect to spend, like  
3           moving forward?

4           Q:    Yeah.   How much do you expect to spend  
5           on the case total?

6           A:    I know how much time I've spent.   I  
7           don't know how much more time the case may require  
8           of me.

9           Q:    How much time have you spent thus far?

10          A:    A good 15 to 20 hours.

11          Q:    Does that include the time he has been  
12          here today?

13          A:    No.

14          Q:    I'm happy to help Pat your totals.

15          A:    Thank you so much.   I appreciate it.

16          Q:    So would you agree that customers who  
17          were not overcharged by Dollar General are not  
18          part of the classification?

19               MR. MERINO:   Objection to form.   You can  
20          answer.

21          A:    I guess I'm unclear because so many --  
22          unless I was -- you know, I knew less I happened  
23          to notice the overcharges by documenting, like I  
24          wouldn't have noticed, right.   I'm fairly certain  
25          I was overcharged prior to when I started

1 noticing. Other folks who have not been  
2 documenting their purchases and they are finding  
3 where they were overcharged, I'm pretty sure that  
4 other folks have been overcharged too and just not  
5 know it. So I think it's possible that people who  
6 don't know they were overcharged could be part of  
7 the class.

8 Q: And do you have an understanding of  
9 how -- if a customer was not documenting the  
10 overcharges that he or she may not have experience  
11 how anyone could ever determine whether or not  
12 they did experience an overcharge?

13 MR. MERINO: Objection to form. You can  
14 answer.

15 A: To verify with 100 percent certain I  
16 mean it's possible. If there are known items that  
17 were incorrectly priced between certain time  
18 periods if folks happen to have received -- I mean  
19 it technically possible for folks to, you know,  
20 did you purchase X or Y items between this time  
21 period? People might remember yes, and be able to  
22 document it. But I don't know. I guess I would  
23 have to talk more with my attorneys about I don't  
24 know, the exact --

25 Q: Do you believe --

1           A:    Yeah.  But the -- yeah, about the exact  
2    makeup of the class, but yeah.

3           Q:    Do you believe that customers of Dollar  
4    General who were not overcharged should be  
5    compensated as part of this lawsuit?

6           MR. MERINO:  Objection to form.  You can  
7    answer.

8           A:    Yeah, again I would have to defer to my  
9    attorneys on what compensation looks like for  
10   this.

11          Q:    Do you believe that consumers who  
12   utilized the price match policy or received a  
13   refund if they were overcharged should be  
14   compensated as part of this lawsuit?

15          MR. MERINO:  Objection to form.  You can  
16   answer.

17          A:    I would have to defer to my attorneys on  
18   what compensation would look like for the class.

19          Q:    Do you believe that consumers who never  
20   look at the shelf price should be compensated by  
21   this lawsuit?

22          MR. MERINO:  Objection to form.  You can  
23   answer.

24          A:    Yeah.  I mean again, if I'm not -- feel  
25   free to ask further questions but just I feel like

1     you keep asking me again until, like, what the  
2     compensation could look like. I feel like  
3     that's -- again, that whole issue is something I  
4     would have to discuss with my attorneys. Like the  
5     nature of the compensation.

6             MR. MERINO: Is that your answer?

7             THE WITNESS: Yes.

8             MR. MERINO: Quit.

9             THE WITNESS: Okay. All right.

10            Q: So you were able to figure out that you  
11     had suffered a dash or experienced a overcharge at  
12     Dollar General by looking at a photograph of the  
13     receipt, or looking at the receipt and a  
14     photograph of the shelf price tag; is that  
15     correct?

16            A: Yes.

17            Q: And would you agree that in order to  
18     determine whether someone else had suffered or  
19     experienced a price discrepancy at a Dollar  
20     General you would also need to look at any  
21     receipts that they have on the shelf price label  
22     at the time they made a purchase?

23            MR. MERINO: Objection to form. You can  
24     answer.

25            A: No.



1 Q: Why do you disagree with that?

2 A: I think that it's clearly documented  
3 that there are overcharges. For example, if  
4 somebody else purchased, you know, lactate  
5 whatever milk on the same day that I did, whatever  
6 it is, I'm fairly certain they were overcharged.  
7 Right. I think they need their receipt. Yeah. I  
8 think they would have been overcharged. You're  
9 saying to prove that they actually bought that  
10 milk on that day or?

11 Q: Yeah. I mean that's what you did to  
12 discover --

13 A: Yeah.

14 Q: --

15 MR. MERINO: Objection to form. You can  
16 answer.

17 A: It feels -- I have to think more about  
18 it but it feels a little narrow and there's got to  
19 be other ways to determine how folks are -- for  
20 folks to determine that they were overcharged. It  
21 seems like it's pretty easy to figure out. You  
22 know that people are being overcharged, at least,  
23 you know, definitely on some items.

24 Q: And when you say it's pretty easy to  
25 figure out?

1           A:    Because I have, you know evidence that  
2           that occurred.

3           Q:    But you --

4           A:    Just an example.  If anyone else  
5           purchased that same product for example they would  
6           know that they were overcharged.  Right, like if I  
7           asked someone if, you know, did you buy milk in  
8           those last two weeks or wherever, or if it was  
9           like a few weeks afterwards they would know.

10          Q:    How would they know?  You couldn't --

11          A:    So I can ask, like yeah --

12          Q:    You couldn't remember whether you shop  
13          that John Dollar General yesterday so how would  
14          they be able to remember if they purchased some  
15          weeks ago?

16          A:    Yeah.

17               MR. MERINO:  Objection to form.  You can  
18          answer.

19          A:    So I remembered a lot in this.  Yes,  
20          there was one thing I couldn't recall but I don't  
21          think that that means that no one remembers  
22          something.  So yeah, I don't know.  I don't want  
23          to get -- I don't want to speculate as to how we  
24          verify all of this and whatever.  I feel in  
25          general there are known overcharging issues at

1 Dollar General and people know that when they shop  
2 there is likely that people would have been  
3 overcharged.

4 Q: I guess what I'm asking is this, and if  
5 you don't know you don't know.

6 A: Okay.

7 Q: But you said it's pretty easy to figure  
8 out. So what is the basis for you saying that  
9 it's pretty easy to figure out?

10 MR. MERINO: Objection to form. You can  
11 answer.

12 A: Yeah, I guess -- I don't know. I guess  
13 so yeah I don't work and I was thinking like maybe  
14 I don't know, we know there are a number of items  
15 that they were overcharging for.

16 I mean, does Dollar General have the  
17 capability to search for transactions and tie  
18 those two credit card statements and figure out  
19 who bought them? So I mean it's possible. I  
20 don't -- I can't tell you right now.

21 Q: Do you know?

22 MR. MERINO: Objection to form. You can  
23 answer.

24 A: Yeah. Okay. So I don't know.

25 Q: Okay. All right. All right. In your

1 opinion is there anything that Dollar General  
2 could do to end this lawsuit right now?

3 MR. MERINO: Objection to form. You can  
4 answer.

5 A: I would have to discuss a resolution --  
6 I would have to discuss that with my -- with my  
7 legal counsel.

8 Q: Are there any safeguards that you feel  
9 that Dollar General should adopt or implement to  
10 prevent price discrepancies in the future, sitting  
11 here right now today?

12 MR. MERINO: Objection. Object to the  
13 form. You can answer the question.

14 A: Yeah, I think they should comply with  
15 the law and have accurate pricing. That's as much  
16 as I can say.

17 Q: Do you know or do you have any  
18 particular thoughts on safeguards that would help  
19 them do that?

20 MR. MERINO: Objection to form. You can  
21 answer.

22 A: I don't have any thoughts right now.

23 Q: Okay. And I guess at a fundamental  
24 level do you recognize sort of the issue that  
25 trying to keep the price accurate on 15,000 items

1 in every store in the nation 100 percent of the  
2 time, do you recognize that that is a challenge  
3 for retailers?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: Yeah. No. I guess I don't know what  
7 challenges retailers generally have, so no.

8 Q: All right. Are you suing over any  
9 activities of Dollar General that we have not  
10 discussed here today?

11 A: No.

12 Q: Are you claiming any damages that we  
13 have not discussed here today?

14 MR. MERINO: Object to form. You can  
15 answer.

16 A: I would have to ask my lawyers about  
17 what really for the class will look like.

18 MR. TAYLOR: Why don't we do this. Why  
19 don't we take a short break and I'll see if I'm  
20 done. Can we do that?

21 MR. MERINO: We can.

22 (Off the record at 5:17 p.m., resuming  
23 at 5:23 p.m.)

24 MR. TAYLOR: All right. So you have  
25 been handed Exhibit 21.

1 (Exhibit 21 was marked for  
2 identification.)

3 Q: Do you recognize that?

4 A: Yes.

5 Q: And let me ask you this, did you request  
6 these documents or were they provided to you?

7 A: They were provided to me.

8 Q: Have you made any FOIA or FOIA  
9 equivalent requests of governmental agencies in  
10 New York for audits?

11 A: No.

12 Q: I'm handing you Exhibit 22. Do you  
13 recognize Exhibit 22?

14 (Exhibit 22 was marked for  
15 identification.)

16 A: Yes.

17 Q: Okay. And what is it?

18 A: Like, a class action retainer agreement.

19 Q: Am I correct in saying that on Wolf 69  
20 you, probably, electronically signed this on  
21 September 20, 2022?

22 A: Yes.

23 Q: Do you know who Jonathan Rudnik  
24 (phonetic) is?

25 A: No.

1           Q:    All right.  You can set that aside.  Let  
2   me ask you, are you aware any receipts or  
3   photographs that you have of Dollar General  
4   purchases or products that we haven't seen or gone  
5   through here today?

6           A:    No.

7           Q:    All right.  Are you aware of any other  
8   document that you or your wife may have in your  
9   possession related to this lawsuit or Dollar  
10   General price discrepancies that you have not,  
11   either searched for, or turned over to your  
12   attorneys?

13           MR. MERINO:  Objection to form.  You can  
14   answer.

15          A:    No.

16           MR. TAYLOR:  All right.  With that, I  
17   will say that I believe I am done with my  
18   questions.  Are you all planning to ask any  
19   questions?

20           MR. MERINO:  Yeah.

21           MR. TAYLOR:  There's something I want to  
22   put on the record at the end but I will wait to  
23   the end to do that.

24           So go ahead.  I have no further  
25   questions at this time.

1 EXAMINATION BY COUNSEL FOR PLAINTIFFS,  
2 JOSEPH WOLF, CARMEN WOLF, ON BEHALF OF THEMSELVES  
3 AND THOSE SIMILARLY SITUATED  
4 BY MR. MERINO:

5 Q: Mr. Wolfe, how is it that normally  
6 identify the price of a product at Dollar General?

7 MR. TAYLOR: Objection to form. You can  
8 answer.

9 A: Like the price that I paid?

10 Q: The -- let me rephrase. How is it that  
11 you would identify the price that is it being  
12 advertised for any product at the Dollar General  
13 store?

14 MR. TAYLOR: Object to form.

15 A: The shelf price. Yeah.

16 Q: Would you say that the shelf price is  
17 important to you?

18 MR. TAYLOR: Object to form.

19 A: Yeah, it's the price being promised by  
20 retailer. Absolutely, yeah.

21 Q: So if a retailer like Dollar General  
22 charges -- ultimately charges you a price that is  
23 higher than what is on the shelf label is that  
24 important for you?

25 MR. TAYLOR: Object to form.



1           A:    Absolutely.

2           Q:    And is it important for you if it's 1  
3 cent?

4           A:    Doesn't matter the quantity. I want to  
5 be accurately charged at all times. Especially  
6 when we're talking about, you know, you go to  
7 grocery stores often, right. This isn't like  
8 nothing I purchase is, you know, of items you may,  
9 like, once in a blue moon.

10                    So yeah. Any amount is important to me  
11 and the fact that we are talking about, you know,  
12 items being charged for like groceries,  
13 necessities, where things can absolutely, you  
14 know, compound over time absolutely. Yeah. It  
15 matters, yeah.

16           Q:    Do you feel that it is your  
17 responsibility to investigate Dollar General's  
18 overcharges?

19                   MR. TAYLOR: Object to the form.

20           A:    To investigate? I feel like Dollar  
21 General should have accurate pricing. I don't  
22 think anyone -- I think consumers, every  
23 individual consumer should be sort of like a  
24 detective and have to demand that Dollar General  
25 is honest and charge a fair and accurate price,

1 the price that they are representing on the shelf,  
2 yeah.

3 Q: Do you think that for a consumer like  
4 yourself it should be your responsibility to  
5 verify that -- verify at the register that the  
6 price on the label matches what you're being  
7 charged?

8 MR. TAYLOR: Objection to form.

9 A: That should not be my responsibility to  
10 have to do that with every single purchase. With  
11 every, you know, the amount of times that I or,  
12 you know, consumers who do things like grocery  
13 shopping. That would be insane if, you know, that  
14 responsibility was, you know, if that was somehow  
15 just my responsibility.

16 Q: So you might remember a line of  
17 questioning before by Mr. Taylor as to potential  
18 prospective hours moving forward in the case. So  
19 just with that in mind, if this case were to go  
20 all the way to the trial, would you remain  
21 committed to being a class representative all the  
22 way through trial?

23 MR. TAYLOR: Objection to form.

24 A: Absolutely.

25 Q: Mr. Wolf, have you been promised any

1 special treatment by your counsel or anyone --

2 MR. TAYLOR: Objection.

3 Q: -- for being a --

4 COURT REPORTER: Are you objecting,  
5 Counsel?

6 MR. TAYLOR: No, not yet.

7 Q: -- for being a representative of the  
8 class?

9 MR. MERINO: Objection to form.

10 A: No, I have not been promised any special  
11 treatment by anyone for being a class rep.

12 Q: Is your objective here an individual  
13 settlement in this litigation?

14 MR. TAYLOR: Objection to form.

15 A: It is not.

16 Q: What's your objective here being a class  
17 representative?

18 A: Yeah, my --

19 MR. TAYLOR: Objection to form, you can  
20 answer.

21 A: Yeah, definitely, you know, two things.  
22 Number one, I would like a fair compensation for  
23 folks in my class, people who were overcharged by  
24 Dollar General. And I'd like for Dollar General  
25 in the future to have accurate pricing.

1           These are really the two things that I'm  
2 seeking for folks in my class. Does that make  
3 sense, or you could ask a follow-up.

4           Q:     Sure.

5           A:     Yeah, okay.

6           Q:     Are you willing to commit to keeping  
7 yourself generally familiar with the litigation  
8 moving forward?

9           MR. TAYLOR: Object to the form.

10          A:     Yeah. Absolutely, yeah.

11          Q:     Are you willing to commit to continue  
12 vigorously prosecuting this case moving forward?

13          MR. TAYLOR: Objection to form.

14          A:     Definitely.

15          MR. MERINO: Let me check my notes. I  
16 don't have any further questions.

17          MR. TAYLOR: I also do not have any  
18 further questions.

19                 I will state and you should feel free to  
20 object, and you probably will. That I will leave  
21 the deposition open at this point in case there  
22 are any other issues related to discovery and some  
23 of the things we talked about that may come up.

24          MR. MERINO: We object to keeping the  
25 deposition open.

1 MR. TAYLOR: Okay. We can go off the  
2 record.

3 (Off the record at 5:34 p.m.)  
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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Enrique Casas, the officer before  
whom the foregoing proceedings were taken, do  
hereby certify that any witness(es) in the  
foregoing proceedings were fully sworn; that the  
proceedings were recorded by me and thereafter  
reduced to typewriting by a qualified  
transcriptionist; that said digital audio  
recording of said proceedings are a true and  
accurate record to the best of my knowledge,  
skills, and ability; and that I am neither counsel  
for, related to, nor employed by any of the  
parties to this case and have no interest,  
financial or otherwise, in its outcome.



ENRIQUE CASAS,  
NOTARY PUBLIC FOR THE STATE OF NEW YORK

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I, Molly Bugher, do hereby certify that  
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the proceedings to the best of my knowledge,  
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for, related to, nor employed by any of the  
parties to the case and have no interest,  
financial or otherwise, in its outcome.



Molly Bugher, CDLT-161

January 19, 2024

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Conducted on January 8, 2024

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| Page | Line | Correction/Change and Reason  |
|------|------|---|
| 55   | 6    | "icing"/"I, I trust" Reason: transcript error                                       |
| 78   | 8    | "in July"/"until" Reason: transcript error  |
| 121  | 6    | "anything"/"everything" Reason: transcript error                                    |
| 143  | 10   | "Will"/"Well" Reason: transcript error  |
| 146  | 5-6  | "I would not be overcharged 66 percent of the time."/"i was overcharged on it       |
|      |      | 66 percent of the of the items" Reason: transcript error                            |
| 146  | 15   | "audience"/"audits" Reason: transcript error  |
| 153  | 11   | "i know that our bike all around" should be removed from transcript.                |
|      |      | Reason: transcript error.   |
| 155  | 18   | "in the news" should be removed from transcript. Reason: transcript error           |
|      |      | It is unclear what was actually said.   |
| 164  | 9-11 | "Yeah. I typically trust that, you know, the store -- the prices are accurate.      |
|      |      | I do not typically look at shelf price labels."/"I do generally look at shelf price |
|      |      | labels when I'm making a purchase, because I ultimately want to know what           |
|      |      | I will be paying at checkout." Reason: I interpreted the question about             |
|      |      | "looking at shelf price labels" to mean "looking into shelf price lables," as in    |
|      |      | doing the research at the store to compare shelf price labels with the prices       |
|      |      | at checkout due to the context of the previous questions.                           |
| 164  | 25   | "jiving"/"jogging" Reason: transcript error   |
| 168  | 20   | "I"/"a" Reason: transcript error  |
| 170  | 11   | "the student down the road"/"stays home" Reason: transcript error                   |

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| 171 | 11 | "Overhear"/"Over there" Reason: transcript error        |
| 175 | 19 | "I would say"/"I wouldn't say" Reason: transcript error |
| 176 | 20 | "Luciedo"/"Viciedo" Reason: transcript error            |
| 211 | 12 | "pair"/"there" Reason: transcript error                 |
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ACKNOWLEDGMENT OF DEPONENT

I, Joseph Wolf, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

02 / 26 / 2024

(Date)



(Signature)